

House File 909 - Enrolled

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1 1 HOUSE FILE 909
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1 3 AN ACT
1 4 RELATING TO AND MAKING APPROPRIATIONS FOR HEALTH AND HUMAN
1 5 SERVICES AND INCLUDING OTHER RELATED PROVISIONS AND
1 6 APPROPRIATIONS, AND INCLUDING EFFECTIVE DATE PROVISIONS.
1 7
1 8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 9
1 10 DIVISION I
1 11 GENERAL FUND AND BLOCK GRANT APPROPRIATIONS
1 12 ELDER AFFAIRS
1 13 Section 1. DEPARTMENT OF ELDER AFFAIRS. There is
1 14 appropriated from the general fund of the state to the
1 15 department of elder affairs for the fiscal year beginning July
1 16 1, 2007, and ending June 30, 2008, the following amount, or so
1 17 much thereof as is necessary, to be used for the purposes
1 18 designated:
1 19 For aging programs for the department of elder affairs and
1 20 area agencies on aging to provide citizens of Iowa who are 60
1 21 years of age and older with case management for the frail
1 22 elderly only if the monthly cost per client for case
1 23 management for the frail elderly services provided does not
1 24 exceed an average of \$70, resident advocate committee
1 25 coordination, employment, and other services which may include
1 26 but are not limited to adult day services, respite care, chore
1 27 services, telephone reassurance, information and assistance,
1 28 and home repair services, and for the construction of entrance
1 29 ramps which make residences accessible to the physically
1 30 handicapped, and for salaries, support, administration,
1 31 maintenance, and miscellaneous purposes and for not more than
1 32 the following full-time equivalent positions:
1 33 \$ 4,723,306
1 34 FTEs 34.50
1 35 1. Funds appropriated in this section may be used to
2 1 supplement federal funds under federal regulations. To
2 2 receive funds appropriated in this section, a local area
2 3 agency on aging shall match the funds with moneys from other
2 4 sources according to rules adopted by the department. Funds
2 5 appropriated in this section may be used for elderly services
2 6 not specifically enumerated in this section only if approved
2 7 by an area agency on aging for provision of the service within
2 8 the area.
2 9 2. Of the funds appropriated in this section, \$2,788,223
2 10 shall be used for case management for the frail elderly. Of
2 11 the funds allocated in this subsection, \$1,385,015 shall be
2 12 transferred to the department of human services in equal
2 13 amounts on a quarterly basis for reimbursement of case
2 14 management services provided under the medical assistance
2 15 elderly waiver. The department of human services shall adopt
2 16 rules for case management services provided under the medical
2 17 assistance elderly waiver in consultation with the department
2 18 of elder affairs. The monthly cost per client for case
2 19 management for the frail elderly services provided shall not
2 20 exceed an average of \$70.
2 21 3. Of the funds appropriated in this section, \$200,198
2 22 shall be transferred to the department of economic development
2 23 for the Iowa commission on volunteer services to be used for
2 24 the retired and senior volunteer program.
2 25 4. Of the funds appropriated in this section, \$130,000
2 26 shall be used to fund two additional long-term care resident's
2 27 advocate positions.
2 28 5. Of the funds appropriated in this section, \$15,000 is
2 29 allocated for costs associated with the Alzheimer's disease
2 30 task force established pursuant to 2007 Iowa Acts, Senate File
2 31 489, if enacted.
2 32 6. Of the funds appropriated in this subsection, \$250,000
2 33 shall be used for implementation of the substitute decision
2 34 maker Act pursuant to chapter 231E, to establish the state
2 35 office and two local offices.
3 1 HEALTH
3 2 Sec. 2. DEPARTMENT OF PUBLIC HEALTH. There is
3 3 appropriated from the general fund of the state to the

3 4 department of public health for the fiscal year beginning July
3 5 1, 2007, and ending June 30, 2008, the following amounts, or
3 6 so much thereof as is necessary, to be used for the purposes
3 7 designated:

3 8 1. ADDICTIVE DISORDERS
3 9 For reducing the prevalence of use of tobacco, alcohol, and
3 10 other drugs, and treating individuals affected by addictive
3 11 behaviors, including gambling and for not more than the
3 12 following full-time equivalent positions:
3 13 \$ 1,971,890
3 14 FTEs 4.35

3 15 The requirement of section 123.53, subsection 3, is met by
3 16 the appropriations made in this Act for purposes of addictive
3 17 disorders for the fiscal year beginning July 1, 2007.

3 18 2. HEALTHY CHILDREN AND FAMILIES
3 19 For promoting the optimum health status for children,
3 20 adolescents from birth through 21 years of age, and families,
3 21 and for not more than the following full-time equivalent
3 22 positions:
3 23 \$ 2,509,438
3 24 FTEs 12.95

3 25 a. Of the funds appropriated in this subsection, not more
3 26 than \$645,917 shall be used for the healthy opportunities to
3 27 experience success (HOPES)=healthy families Iowa (HFI) program
3 28 established pursuant to section 135.106. The department shall
3 29 transfer the funding allocated for the HOPES=HFI program to
3 30 the Iowa empowerment board for distribution and shall assist
3 31 the board in managing the contracting for the funding. The
3 32 funding shall be distributed to renew the grants that were
3 33 provided to the grantees that operated the program during the
3 34 fiscal year ending June 30, 2007.

3 35 b. Of the funds appropriated in this subsection, \$325,000
4 1 shall be used to continue to address the healthy mental
4 2 development of children from birth through five years of age
4 3 through local evidence-based strategies that engage both the
4 4 public and private sectors in promoting healthy development,
4 5 prevention, and treatment for children.

4 6 c. Of the funds appropriated in this subsection, \$100,000
4 7 is allocated for distribution to the children's hospital of
4 8 Iowa mother's milk bank.

4 9 d. Of the funds appropriated in this subsection, \$40,000
4 10 shall be distributed to a statewide dental carrier to provide
4 11 funds to continue the donated dental services program
4 12 patterned after the projects developed by the national
4 13 foundation of dentistry for the handicapped to provide dental
4 14 services to indigent elderly and disabled individuals.

4 15 3. CHRONIC CONDITIONS
4 16 For serving individuals identified as having chronic
4 17 conditions or special health care needs and for not more than
4 18 the following full-time equivalent positions:
4 19 \$ 1,842,840
4 20 FTEs 4.30

4 21 Of the funds appropriated in this subsection, \$100,000
4 22 shall be used as additional funding to provide grants to
4 23 individual patients who have phenylketonuria (PKU) to assist
4 24 with the costs of necessary special foods.

4 25 4. COMMUNITY CAPACITY
4 26 For strengthening the health care delivery system at the
4 27 local level and for not more than the following full-time
4 28 equivalent positions:
4 29 \$ 1,758,147
4 30 FTEs 10.75

4 31 a. Of the funds appropriated in this subsection, \$100,000
4 32 is allocated for a child vision screening program implemented
4 33 through the university of Iowa hospitals and clinics in
4 34 collaboration with community empowerment areas.

4 35 b. Of the funds appropriated in this subsection, \$159,700
5 1 is allocated for an initiative implemented at the university
5 2 of Iowa and \$140,300 is allocated for an initiative at the
5 3 state mental health institute at Cherokee to expand and
5 4 improve the workforce engaged in mental health treatment and
5 5 services. The initiatives shall receive input from the
5 6 university of Iowa, the department of human services, the
5 7 department of public health, and the mental health, mental
5 8 retardation, developmental disabilities, and brain injury
5 9 commission to address the focus of the initiatives. The
5 10 department of human services, the department of public health,
5 11 and the commission shall receive regular updates concerning
5 12 the status of the initiatives.

5 13 5. ELDERLY WELLNESS
5 14 For promotion of healthy aging and optimization of the

5 15 health of older adults:
5 16 \$ 9,233,985
5 17 6. ENVIRONMENTAL HAZARDS
5 18 For reducing the public's exposure to hazards in the
5 19 environment, primarily chemical hazards, and for not more than
5 20 the following full-time equivalent positions:
5 21 \$ 747,960
5 22 FTEs 1.75
5 23 Of the funds appropriated in this subsection, \$121,000
5 24 shall be used for implementation and administration of 2007
5 25 Iowa Acts, House File 158, as enacted, relating to blood lead
5 26 testing of children.
5 27 7. INFECTIOUS DISEASES
5 28 For reducing the incidence and prevalence of communicable
5 29 diseases and for not more than the following full-time
5 30 equivalent positions:
5 31 \$ 1,640,571
5 32 FTEs 5.75
5 33 a. Of the funds appropriated in this subsection, \$100,000
5 34 shall be used to fund the position of a bureau chief for the
5 35 center for acute disease epidemiology (CADE).
6 1 b. Of the funds appropriated in this subsection, an
6 2 increase of \$260,608 is provided for the purchasing of
6 3 vaccines for immunizations.
6 4 8. PUBLIC PROTECTION
6 5 For protecting the health and safety of the public through
6 6 establishing standards and enforcing regulations and for not
6 7 more than the following full-time equivalent positions:
6 8 \$ 2,591,333
6 9 FTEs 125.90
6 10 a. Of the funds appropriated in this subsection, \$643,500
6 11 shall be credited to the emergency medical services fund
6 12 created in section 135.25. Moneys in the emergency medical
6 13 services fund are appropriated to the department to be used
6 14 for the purposes of the fund.
6 15 b. Of the funds appropriated in this subsection, \$23,810
6 16 shall be used as additional funding for the office of the
6 17 state medical examiner.
6 18 c. Of the funds appropriated in this subsection, \$10,000
6 19 shall be used to administer or implement the information and
6 20 referral database for health and human services 211 system.
6 21 d. Of the funds appropriated in this subsection, \$150,000
6 22 shall be used for management of the antiviral stockpile.
6 23 e. Of the funds appropriated in this subsection, \$100,000
6 24 shall be used for an increase in sexual violence prevention
6 25 programming through a statewide organization representing
6 26 programs serving victims of sexual violence through the
6 27 department's sexual violence prevention program. In addition,
6 28 \$162,522 and any other amount remaining in the hospital trust
6 29 fund created in section 249I.4, Code 2005, on July 1, 2007,
6 30 are appropriated to the department of public health to be used
6 31 for the purposes of this paragraph "e". The amounts provided
6 32 pursuant to this paragraph "e" shall not be used to supplant
6 33 funding administered for other sexual violence prevention or
6 34 victims assistance programs.
6 35 9. RESOURCE MANAGEMENT
7 1 For establishing and sustaining the overall ability of the
7 2 department to deliver services to the public and for not more
7 3 than the following full-time equivalent positions:
7 4 \$ 1,195,557
7 5 FTEs 9.00
7 6 Of the funds appropriated in this subsection, \$150,150
7 7 shall be used for administration of tobacco-related programs.
7 8 The university of Iowa hospitals and clinics under the
7 9 control of the state board of regents shall not receive
7 10 indirect costs from the funds appropriated in this section.
7 11 Sec. 3. GAMBLING TREATMENT FUND == APPROPRIATION.
7 12 1. In lieu of the appropriation made in section 135.150,
7 13 subsection 1, there is appropriated from funds available in
7 14 the gambling treatment fund created in section 135.150 to the
7 15 department of public health for the fiscal year beginning July
7 16 1, 2007, and ending June 30, 2008, the following amount, or so
7 17 much thereof as is necessary, to be used for the purposes
7 18 designated:
7 19 To be utilized for the benefit of persons with addictions:
7 20 \$ 2,215,000
7 21 The amount appropriated in this subsection for addictive
7 22 disorders reflects an increase of \$525,000 from the funding
7 23 remaining in the gambling treatment fund from the carryforward
7 24 of appropriations made for addictive disorders in previous
7 25 fiscal years. Of this amount, \$50,000 shall be transferred to

7 26 the department of corrections to supplement funding for the
7 27 adult drug court program in the fifth judicial district,
7 28 \$25,000 shall be transferred to the department of corrections
7 29 to supplement funding for the adult drug court program in the
7 30 second judicial district, \$150,000 shall be transferred to the
7 31 department of human rights to supplement funding for the
7 32 family development and self-sufficiency grant program, and
7 33 \$300,000 shall be transferred to the department of human
7 34 rights to be used in addition to any other funding
7 35 appropriated in this Act for the energy utility assessment and
8 1 resolution program established pursuant to section 216A.104,
8 2 as enacted by this Act.

8 3 It is the intent of the general assembly that from the
8 4 moneys appropriated in this subsection, persons with a dual
8 5 diagnosis of substance abuse and gambling addictions shall be
8 6 given priority in treatment services.

8 7 2. The amount remaining in the gambling treatment fund
8 8 after the appropriation made in subsection 1 is appropriated
8 9 to the department to be used for funding of administrative
8 10 costs and to provide programs which may include but are not
8 11 limited to outpatient and follow-up treatment for persons
8 12 affected by problem gambling, rehabilitation and residential
8 13 treatment programs, information and referral services,
8 14 education and preventive services, and financial management
8 15 services. Of the amount appropriated in this subsection, up
8 16 to \$100,000 may be used for the licensing of gambling
8 17 treatment programs as provided in section 135.150.

8 18 DEPARTMENT OF VETERANS AFFAIRS

8 19 Sec. 4. DEPARTMENT OF VETERANS AFFAIRS. There is
8 20 appropriated from the general fund of the state to the
8 21 department of veterans affairs for the fiscal year beginning
8 22 July 1, 2007, and ending June 30, 2008, the following amounts,
8 23 or so much thereof as is necessary, to be used for the
8 24 purposes designated:

8 25 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

8 26 For salaries, support, maintenance, and miscellaneous
8 27 purposes, including the war orphans educational assistance
8 28 fund established pursuant to section 35.8 and for not more
8 29 than the following full-time equivalent positions:

8 30	\$ 863,457
8 31	FTEs 12.00

8 32 Of the amount appropriated in this subsection, \$50,000 is
8 33 allocated for implementation of the veterans counseling
8 34 program established pursuant to section 35.12, if enacted by
8 35 2007 Iowa Acts, House File 817.

9 1 2. IOWA VETERANS HOME

9 2 For salaries, support, maintenance, and miscellaneous
9 3 purposes and for not more than the following full-time
9 4 equivalent positions:

9 5	\$ 14,509,630
9 6	FTEs 909.33

9 7 3. VETERANS TRUST FUND

9 8 To be credited to the veterans trust fund created in
9 9 section 35A.13:

9 10	\$ 500,000
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9 11 Of the amount appropriated in this subsection, \$150,000 is
9 12 transferred and appropriated to the department of cultural
9 13 affairs to be used to establish a conservation lab facility in
9 14 the state archives to preserve the civil war muster rolls,
9 15 including two full-time equivalent positions in addition to
9 16 any other positions authorized for the department.

9 17 4. COUNTY GRANT PROGRAM FOR VETERANS

9 18 For providing matching grants to counties to provide
9 19 improved services to veterans:

9 20	\$ 750,000
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9 21 The department shall establish or continue a grant
9 22 application process and shall require each county applying for
9 23 a grant to submit a plan for utilizing the grant to improve
9 24 services for veterans. The maximum matching grant to be
9 25 awarded to a county shall be \$10,000 and the amount awarded
9 26 shall be matched on a dollar-for-dollar basis by the county.
9 27 Each county receiving a grant shall submit a report to the
9 28 department identifying the impact of the grant on increasing
9 29 services to veterans as specified by the department. The
9 30 department shall submit a report to the general assembly by
9 31 October 1, 2008, concerning the impact of the grant program on
9 32 services to veterans.

9 33 Notwithstanding section 8.33, moneys appropriated in this
9 34 subsection that remain unencumbered or unobligated at the
9 35 close of the fiscal year shall not revert to the fund from
10 1 which appropriated but shall be credited to the veterans trust

10 2 fund.
10 3 5. STATE EDUCATIONAL ASSISTANCE == CHILDREN OF DECEASED
10 4 VETERANS
10 5 For educational assistance pursuant to section 35.9:
10 6 \$ 27,000
10 7 Sec. 5. VETERANS TRUST FUND. If the balance in the
10 8 veterans trust fund for the fiscal year beginning July 1,
10 9 2007, exceeds \$5,000,000, exclusive of any amount from
10 10 interest or earnings on moneys in the trust fund or otherwise
10 11 received from a source other than the general fund of the
10 12 state or the rebuild Iowa infrastructure fund, the amount in
10 13 excess of \$5,000,000 is appropriated to the department of
10 14 veterans affairs for the fiscal year beginning July 1, 2007,
10 15 and ending June 30, 2008, for transfer to the Iowa finance
10 16 authority to be used as funding in addition to the specific
10 17 appropriations made for that fiscal year for the home
10 18 ownership assistance program.
10 19 Sec. 6. VETERANS NEEDS REPORT. The executive director of
10 20 the department of veterans affairs shall prepare a report
10 21 regarding the needs of veterans. The report shall include a
10 22 comprehensive survey of existing benefits and services being
10 23 provided to Iowa veterans at the local, state, and national
10 24 levels, a comparison of Iowa veterans benefits and services
10 25 programs with such programs offered in other states, the
10 26 deficiencies in benefits and services identified by the
10 27 department, and any recommendations for eliminating the
10 28 deficiencies identified. The completed report shall be
10 29 approved by the commission of veterans affairs prior to
10 30 submission of the report to the general assembly no later than
10 31 October 15, 2008.
10 32 HUMAN SERVICES
10 33 Sec. 7. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK
10 34 GRANT. There is appropriated from the fund created in section
10 35 8.41 to the department of human services for the fiscal year
11 1 beginning July 1, 2007, and ending June 30, 2008, from moneys
11 2 received under the federal temporary assistance for needy
11 3 families (TANF) block grant pursuant to the federal Personal
11 4 Responsibility and Work Opportunity Reconciliation Act of
11 5 1996, Pub. L. No. 104-193, and successor legislation, which
11 6 are federally appropriated for the federal fiscal years
11 7 beginning October 1, 2006, and ending September 30, 2007, and
11 8 beginning October 1, 2007, and ending September 30, 2008, the
11 9 following amounts, or so much thereof as is necessary, to be
11 10 used for the purposes designated:
11 11 1. To be credited to the family investment program account
11 12 and used for assistance under the family investment program
11 13 under chapter 239B:
11 14 \$ 36,890,944
11 15 2. To be credited to the family investment program account
11 16 and used for the job opportunities and basic skills (JOBS)
11 17 program, and implementing family investment agreements, in
11 18 accordance with chapter 239B:
11 19 \$ 14,993,040
11 20 Notwithstanding section 8.33, not more than 5 percent of
11 21 the moneys designated in this subsection that are allocated by
11 22 the department for contracted services other than family
11 23 self-sufficiency grant services allocated under this
11 24 subsection, that remain unencumbered or unobligated at the
11 25 close of the fiscal year shall not revert but shall remain
11 26 available for expenditure for the purposes designated until
11 27 the close of the succeeding fiscal year. However, unless such
11 28 moneys are encumbered or obligated on or before September 30,
11 29 2008, the moneys shall revert.
11 30 3. To be used for the family development and
11 31 self-sufficiency grant program as provided under section
11 32 217.12 and this division of this Act:
11 33 \$ 2,998,675
11 34 4. For field operations:
11 35 \$ 17,707,495
12 1 5. For general administration:
12 2 \$ 3,744,000
12 3 6. For local administrative costs:
12 4 \$ 2,189,830
12 5 7. For state child care assistance:
12 6 \$ 18,986,177
12 7 a. Of the funds appropriated in this subsection, \$200,000
12 8 shall be used for provision of educational opportunities to
12 9 registered child care home providers in order to improve
12 10 services and programs offered by this category of providers
12 11 and to increase the number of providers. The department may
12 12 contract with institutions of higher education or child care

12 13 resource and referral centers to provide the educational
12 14 opportunities. Allowable administrative costs under the
12 15 contracts shall not exceed 5 percent. The application for a
12 16 grant shall not exceed two pages in length.

12 17 b. The funds appropriated in this subsection shall be
12 18 transferred to the child care and development block grant
12 19 appropriation.

12 20 8. For mental health and developmental disabilities
12 21 community services:
12 22 \$ 4,894,052

12 23 9. For child and family services:
12 24 \$ 32,084,430

12 25 10. For child abuse prevention grants:
12 26 \$ 250,000

12 27 11. For pregnancy prevention grants on the condition that
12 28 family planning services are funded:
12 29 \$ 1,930,067

12 30 Pregnancy prevention grants shall be awarded to programs in
12 31 existence on or before July 1, 2007, if the programs are
12 32 comprehensive in scope and have demonstrated positive
12 33 outcomes. Grants shall be awarded to pregnancy prevention
12 34 programs which are developed after July 1, 2007, if the
12 35 programs are comprehensive in scope and are based on existing
13 1 models that have demonstrated positive outcomes. Grants shall
13 2 comply with the requirements provided in 1997 Iowa Acts,
13 3 chapter 208, section 14, subsections 1 and 2, including the
13 4 requirement that grant programs must emphasize sexual
13 5 abstinence. Priority in the awarding of grants shall be given
13 6 to programs that serve areas of the state which demonstrate
13 7 the highest percentage of unplanned pregnancies of females of
13 8 childbearing age within the geographic area to be served by
13 9 the grant.

13 10 12. For technology needs and other resources necessary to
13 11 meet federal welfare reform reporting, tracking, and case
13 12 management requirements:
13 13 \$ 1,037,186

13 14 13. For the healthy opportunities for parents to
13 15 experience success (HOPES) program administered by the
13 16 department of public health to target child abuse prevention:
13 17 \$ 200,000

13 18 14. To be credited to the state child care assistance
13 19 appropriation made in this section to be used for funding of
13 20 community-based early childhood programs targeted to children
13 21 from birth through five years of age, developed by community
13 22 empowerment areas as provided in section 28.9:
13 23 \$ 7,350,000

13 24 The department shall transfer TANF block grant funding
13 25 appropriated and allocated in this subsection to the child
13 26 care and development block grant appropriation in accordance
13 27 with federal law as necessary to comply with the provisions of
13 28 this subsection.

13 29 15. For a pilot program to be established in one or more
13 30 judicial districts, selected by the department and the
13 31 judicial council, to provide employment and support services
13 32 to delinquent child support obligors as an alternative to
13 33 commitment to jail as punishment for contempt of court:
13 34 \$ 200,000

13 35 Of the amounts appropriated in this section, \$12,962,008
14 1 for the fiscal year beginning July 1, 2007, shall be
14 2 transferred to the appropriation of the federal social
14 3 services block grant for that fiscal year. If the federal
14 4 government revises requirements to reduce the amount that may
14 5 be transferred to the federal social services block grant, it
14 6 is the intent of the general assembly to act expeditiously
14 7 during the 2008 legislative session to adjust appropriations
14 8 or the transferred amount or take other actions to address the
14 9 reduced amount.

14 10 The department may transfer funds allocated in this section
14 11 to the appropriations in this Act for general administration
14 12 and field operations for resources necessary to implement and
14 13 operate the services referred to in this section and those
14 14 funded in the appropriation made in this division of this Act
14 15 for the family investment program from the general fund.

14 16 Sec. 8. FAMILY INVESTMENT PROGRAM ACCOUNT.

14 17 1. Moneys credited to the family investment program (FIP)
14 18 account for the fiscal year beginning July 1, 2007, and ending
14 19 June 30, 2008, shall be used to provide assistance in
14 20 accordance with chapter 239B.

14 21 2. The department may use a portion of the moneys credited
14 22 to the FIP account under this section as necessary for
14 23 salaries, support, maintenance, and miscellaneous purposes.

14 24 3. The department may transfer funds allocated in this
14 25 section to the appropriations in this Act for general
14 26 administration and field operations for resources necessary to
14 27 implement and operate the services referred to in this section
14 28 and those funded in the appropriation made in this division of
14 29 this Act for the family investment program from the general
14 30 fund of the state.

14 31 4. Moneys appropriated in this division of this Act and
14 32 credited to the FIP account for the fiscal year beginning July
14 33 1, 2007, and ending June 30, 2008, are allocated as follows:

14 34 a. To be retained by the department of human services to
14 35 be used for coordinating with the department of human rights
15 1 to more effectively serve participants in the FIP program and
15 2 other shared clients and to meet federal reporting
15 3 requirements under the federal temporary assistance for needy
15 4 family block grant:
15 5 \$ 20,000

15 6 b. To the department of human rights for staffing,
15 7 administration, and implementation of the family development
15 8 and self-sufficiency grant program as provided under section
15 9 217.12:
15 10 \$ 5,563,042

15 11 (1) Of the funds allocated for the family development and
15 12 self-sufficiency grant program in this lettered paragraph, not
15 13 more than 5 percent of the funds shall be used for the
15 14 administration of the grant program.

15 15 (2) The department of human rights may continue to
15 16 implement the family development and self-sufficiency grant
15 17 program statewide during FY 2007=2008.

15 18 (3) The department of human rights is responsible for
15 19 complying with all federal temporary assistance for needy
15 20 family block grant requirements with respect to the funds
15 21 allocated in this lettered paragraph and for any federal
15 22 penalty that may result from a failure to meet the
15 23 requirements. These responsibilities include but are not
15 24 limited to ensuring that all expenditures of federal block
15 25 grant and state maintenance of effort funds are appropriate
15 26 and allowable in accordance with federal requirements and meet
15 27 federal work participation requirements with respect to the
15 28 population receiving benefits or services under the family
15 29 development and self-sufficiency grant program that are
15 30 subject to work requirements.

15 31 (4) With the allocation of funding for the family
15 32 development and self-sufficiency grant program directly to the
15 33 department of human rights in lieu of allocation through the
15 34 department of human services, the department of human rights
15 35 shall assume all responsibility for the grant program. The
16 1 responsibility includes identifying and addressing
16 2 implementation of any revisions in state law or administrative
16 3 rule needed to effect this change, including but not limited
16 4 to identifying any amendments needed to section 217.12.

16 5 (5) The department of human rights, consistent with the
16 6 Accountable Government Act in chapter 8E, shall adopt
16 7 appropriate performance measures for the grant program,
16 8 including but not limited to measures demonstrating how the
16 9 program helps families achieve self-sufficiency. The
16 10 department of human rights shall submit to the governor and
16 11 general assembly on or before October 31, 2008, a report
16 12 detailing these measures and the outcomes achieved for fiscal
16 13 year 2007=2008.

16 14 (6) The department of human rights shall develop a
16 15 memorandum of agreement with the department of human services
16 16 to coordinate referrals and delivery of services to
16 17 participants in the FIP program and other shared clients and
16 18 shall provide the department of human services with
16 19 information necessary for compliance with federal temporary
16 20 assistance for needy families block grant state plan and
16 21 reporting requirements, including but not limited to financial
16 22 and data reports.

16 23 c. For the diversion subaccount of the FIP account:
16 24 \$ 2,814,000

16 25 (1) A portion of the moneys allocated for the subaccount
16 26 may be used for field operations salaries, data management
16 27 system development, and implementation costs and support
16 28 deemed necessary by the director of human services in order to
16 29 administer the FIP diversion program.

16 30 (2) Of the funds allocated in this lettered paragraph, not
16 31 more than \$250,000 shall be used to develop or continue
16 32 community-level parental obligation pilot projects. The
16 33 requirements established under 2001 Iowa Acts, chapter 191,
16 34 section 3, subsection 5, paragraph "c", subparagraph (3),

16 35 shall remain applicable to the parental obligation pilot
 17 1 projects for fiscal year 2007=2008. Notwithstanding 441 IAC
 17 2 100.8, providing for termination of rules relating to the
 17 3 pilot projects the earlier of October 1, 2006, or when
 17 4 legislative authority is discontinued, the rules relating to
 17 5 the pilot projects shall remain in effect until June 30, 2008.
 17 6 d. For developing and implementing a new program to
 17 7 provide transitional benefits to families with members who are
 17 8 employed at the time the family leaves the family investment
 17 9 program in accordance with section 239B.11A, as enacted by
 17 10 this Act:
 17 11 \$ 2,000,000
 17 12 The department may adopt emergency rules to implement the
 17 13 new program.
 17 14 e. For the food stamp employment and training program:
 17 15 \$ 68,059
 17 16 f. For the JOBS program:
 17 17 \$ 23,968,628
 17 18 5. Of the child support collections assigned under FIP, an
 17 19 amount equal to the federal share of support collections shall
 17 20 be credited to the child support recovery appropriation. Of
 17 21 the remainder of the assigned child support collections
 17 22 received by the child support recovery unit, a portion shall
 17 23 be credited to the FIP account, a portion may be used to
 17 24 increase recoveries, and a portion may be used to sustain cash
 17 25 flow in the child support payments account. If as a result,
 17 26 the appropriations allocated in this section are insufficient
 17 27 to sustain cash assistance payments and meet federal
 17 28 maintenance of effort requirements, the department shall seek
 17 29 supplemental funding. If child support collections assigned
 17 30 under FIP are greater than estimated or are otherwise
 17 31 determined not to be required for maintenance of effort, the
 17 32 state share of either amount may be transferred to or retained
 17 33 in the child support payment account.
 17 34 6. The department may adopt emergency rules for the family
 18 35 investment, JOBS, family development and self=sufficiency
 18 1 grant, food stamp, and medical assistance programs if
 18 2 necessary to comply with federal requirements.
 18 3 7. If the department determines that the appropriations
 18 4 allocated in this section are insufficient to sustain cash
 18 5 assistance payments and to meet federal maintenance of effort
 18 6 requirements, the department shall seek supplemental funding.
 18 7 Sec. 9. FAMILY INVESTMENT PROGRAM GENERAL FUND. There is
 18 8 appropriated from the general fund of the state to the
 18 9 department of human services for the fiscal year beginning
 18 10 July 1, 2007, and ending June 30, 2008, the following amount,
 18 11 or so much thereof as is necessary, to be used for the purpose
 18 12 designated and for not more than the following full=time
 18 13 equivalent positions:
 18 14 To be credited to the family investment program (FIP)
 18 15 account and used for family investment program assistance
 18 16 under chapter 239B:
 18 17 \$ 42,658,263
 18 18 FTEs 16.50
 18 19 1. Of the funds appropriated in this section, \$8,975,588
 18 20 is allocated for the JOBS program.
 18 21 2. Of the funds appropriated in this section, \$2,584,367
 18 22 is allocated for the family development and self=sufficiency
 18 23 grant program as provided under section 217.12 and this
 18 24 division of this Act. The department of human rights shall
 18 25 ensure that the expenditures of moneys allocated from the
 18 26 general fund of the state pursuant to this subsection are
 18 27 eligible to be considered as state maintenance of effort
 18 28 expenditures under federal temporary assistance for needy
 18 29 families block grant requirements.
 18 30 3. a. Of the funds appropriated in this section, \$250,000
 18 31 shall be used to continue a grant to an Iowa=based nonprofit
 18 32 organization with a history of providing tax preparation
 18 33 assistance to low=income Iowans in order to expand the usage
 18 34 of the earned income tax credit. The purpose of the grant is
 18 35 to supply this assistance to underserved areas of the state.
 19 1 The grant shall be provided to an organization that has
 19 2 existing national foundation support for supplying such
 19 3 assistance that can also secure local charitable match
 19 4 funding.
 19 5 b. The general assembly supports efforts by the
 19 6 organization receiving funding under this subsection to create
 19 7 a statewide earned income tax credit and asset=building
 19 8 coalition to achieve both of the following purposes:
 19 9 (1) Expanding the usage of the tax credit through new and
 19 10 enhanced outreach and marketing strategies as well as

19 11 identifying new local sites and human and financial resources.
19 12 (2) Assessing and recommending various strategies for
19 13 Iowans to develop assets through savings, individual
19 14 development accounts, financial literacy, anti-predatory
19 15 lending initiatives, informed home ownership, use of various
19 16 forms of support for work, and microenterprise business
19 17 development targeted to persons who are self-employed or have
19 18 fewer than five employees.

19 19 4. Notwithstanding section 8.39, for the fiscal year
19 20 beginning July 1, 2007, if necessary to meet federal
19 21 maintenance of effort requirements or to transfer federal
19 22 temporary assistance for needy families block grant funding to
19 23 be used for purposes of the federal social services block
19 24 grant or to meet cash flow needs resulting from delays in
19 25 receiving federal funding or to implement, in accordance with
19 26 this division of this Act, activities currently funded with
19 27 juvenile court services, county, or community moneys and state
19 28 moneys used in combination with such moneys, the department of
19 29 human services may transfer funds within or between any of the
19 30 appropriations made in this division of this Act and
19 31 appropriations in law for the federal social services block
19 32 grant to the department for the following purposes, provided
19 33 that the combined amount of state and federal temporary
19 34 assistance for needy families block grant funding for each
19 35 appropriation remains the same before and after the transfer:

20 1 a. For the family investment program.
20 2 b. For child care assistance.
20 3 c. For child and family services.
20 4 d. For field operations.
20 5 e. For general administration.
20 6 f. MH/MR/DD/BI community services (local purchase).
20 7 This subsection shall not be construed to prohibit existing
20 8 state transfer authority for other purposes. The department
20 9 shall report any transfers made pursuant to this subsection to
20 10 the legislative services agency.

20 11 5. The department of human services shall identify options
20 12 and resources needed to support responsible fatherhood. The
20 13 department shall report on or before December 15, 2007,
20 14 concerning the options considered, potential funding
20 15 opportunities, and any options subsequently initiated to the
20 16 persons designated in this Act to receive reports.

20 17 Sec. 10. CHILD SUPPORT RECOVERY. There is appropriated
20 18 from the general fund of the state to the department of human
20 19 services for the fiscal year beginning July 1, 2007, and
20 20 ending June 30, 2008, the following amount, or so much thereof
20 21 as is necessary, to be used for the purposes designated:

20 22 For child support recovery, including salaries, support,
20 23 maintenance, and miscellaneous purposes and for not more than
20 24 the following full-time equivalent positions:
20 25 \$ 9,760,098
20 26 FTEs 508.00

20 27 1. The department shall expend up to \$31,000, including
20 28 federal financial participation, for the fiscal year beginning
20 29 July 1, 2007, for a child support public awareness campaign.
20 30 The department and the office of the attorney general shall
20 31 cooperate in continuation of the campaign. The public
20 32 awareness campaign shall emphasize, through a variety of media
20 33 activities, the importance of maximum involvement of both
20 34 parents in the lives of their children as well as the
20 35 importance of payment of child support obligations.

21 1 2. Federal access and visitation grant moneys shall be
21 2 issued directly to private not-for-profit agencies that
21 3 provide services designed to increase compliance with the
21 4 child access provisions of court orders, including but not
21 5 limited to neutral visitation sites and mediation services.

21 6 3. Beginning October 1, 2007, and notwithstanding chapter
21 7 252C, 252F, or 252H, or any other applicable chapter, either
21 8 parent may be ordered to provide medical support in accordance
21 9 with the federal Deficit Reduction Act of 2005, Pub. L. No.
21 10 109-171.

21 11 4. The appropriation made to the department for child
21 12 support recovery may be used throughout the fiscal year in the
21 13 manner necessary for purposes of cash flow management, and for
21 14 cash flow management, the department may temporarily draw more
21 15 than the amount appropriated, provided the amount appropriated
21 16 is not exceeded at the close of the fiscal year.

21 17 Sec. 11. MEDICAL ASSISTANCE. There is appropriated from
21 18 the general fund of the state to the department of human
21 19 services for the fiscal year beginning July 1, 2007, and
21 20 ending June 30, 2008, the following amount, or so much thereof
21 21 as is necessary, to be used for the purpose designated:

21 22 For medical assistance reimbursement and associated costs
21 23 as specifically provided in the reimbursement methodologies in
21 24 effect on June 30, 2007, except as otherwise expressly
21 25 authorized by law, including reimbursement for abortion
21 26 services, which shall be available under the medical
21 27 assistance program only for those abortions which are
21 28 medically necessary:
21 29 \$616,771,820
21 30 1. Medically necessary abortions are those performed under
21 31 any of the following conditions:
21 32 a. The attending physician certifies that continuing the
21 33 pregnancy would endanger the life of the pregnant woman.
21 34 b. The attending physician certifies that the fetus is
21 35 physically deformed, mentally deficient, or afflicted with a
22 1 congenital illness.
22 2 c. The pregnancy is the result of a rape which is reported
22 3 within 45 days of the incident to a law enforcement agency or
22 4 public or private health agency which may include a family
22 5 physician.
22 6 d. The pregnancy is the result of incest which is reported
22 7 within 150 days of the incident to a law enforcement agency or
22 8 public or private health agency which may include a family
22 9 physician.
22 10 e. Any spontaneous abortion, commonly known as a
22 11 miscarriage, if not all of the products of conception are
22 12 expelled.
22 13 2. The department shall utilize not more than \$60,000 of
22 14 the funds appropriated in this section to continue the
22 15 AIDS/HIV health insurance premium payment program as
22 16 established in 1992 Iowa Acts, Second Extraordinary Session,
22 17 chapter 1001, section 409, subsection 6. Of the funds
22 18 allocated in this subsection, not more than \$5,000 may be
22 19 expended for administrative purposes.
22 20 3. Of the funds appropriated in this Act to the department
22 21 of public health for addictive disorders, \$950,000 for the
22 22 fiscal year beginning July 1, 2007, shall be transferred to
22 23 the department of human services for an integrated substance
22 24 abuse managed care system. The department shall not assume
22 25 management of the substance abuse system in place of the
22 26 managed care contractor unless such a change in approach is
22 27 specifically authorized in law.
22 28 4. a. The department shall aggressively pursue options
22 29 for providing medical assistance or other assistance to
22 30 individuals with special needs who become ineligible to
22 31 continue receiving services under the early and periodic
22 32 screening, diagnosis, and treatment program under the medical
22 33 assistance program due to becoming 21 years of age, who have
22 34 been approved for additional assistance through the
22 35 department's exception to policy provisions, but who have
23 1 health care needs in excess of the funding available through
23 2 the exception to policy provisions.
23 3 b. Of the funds appropriated in this section, \$100,000
23 4 shall be used for participation in one or more pilot projects
23 5 operated by a private provider to allow the individual or
23 6 individuals to receive service in the community in accordance
23 7 with principles established in *Olmstead v. L.C.*, 527 U.S. 581
23 8 (1999), for the purpose of providing medical assistance or
23 9 other assistance to individuals with special needs who become
23 10 ineligible to continue receiving services under the early and
23 11 periodic screening, diagnosis, and treatment program under the
23 12 medical assistance program due to becoming 21 years of age,
23 13 who have been approved for additional assistance through the
23 14 department's exception to policy provisions, but who have
23 15 health care needs in excess of the funding available through
23 16 the exception to the policy provisions.
23 17 5. Of the funds appropriated in this section, up to
23 18 \$3,050,082 may be transferred to the field operations or
23 19 general administration appropriations in this Act for
23 20 operational costs associated with Part D of the federal
23 21 Medicare Prescription Drug, Improvement, and Modernization Act
23 22 of 2003, Pub. L. No. 108-173.
23 23 6. In addition to any other funds appropriated in this
23 24 Act, of the funds appropriated in this section, \$250,000 shall
23 25 be used for continuation of the grant to the Iowa healthcare
23 26 collaborative as defined in section 135.40.
23 27 7. The department may amend the Medicaid state plan to
23 28 provide medical assistance reciprocity for children who
23 29 receive an adoption subsidy who are not eligible for funding
23 30 under Title IV-E of the federal Social Security Act.
23 31 8. Of the funds appropriated in this section, up to
23 32 \$500,000 shall be used to enhance outreach efforts. The

23 33 department may transfer funds allocated in this subsection to
23 34 the appropriations in this division of this Act for general
23 35 administration, the state children's health insurance program,
24 1 or medical contracts, as necessary, to implement the outreach
24 2 efforts.

24 3 9. Of the funds appropriated in this section, up to
24 4 \$442,100 may be transferred to the appropriation in this Act
24 5 for medical contracts to be used for clinical assessment
24 6 services related to remedial services in accordance with
24 7 federal law.

24 8 10. Of the funds appropriated in this section, \$1,540,000
24 9 may be used for the demonstration to maintain independence and
24 10 employment (DMIE) if the waiver for DMIE is approved by the
24 11 centers for Medicare and Medicaid services of the United
24 12 States department of health and human services. Additionally,
24 13 if the waiver is approved, \$440,000 of the funds shall be
24 14 transferred to the department of corrections for the DMIE
24 15 activities.

24 16 11. The drug utilization review commission shall monitor
24 17 the smoking cessation benefit provided under the medical
24 18 assistance program and shall provide a report of utilization,
24 19 client success, cost-effectiveness, and recommendations for
24 20 any changes in the benefit to the persons designated in this
24 21 Act to receive reports by January 15, 2008. If a prescriber
24 22 determines that all smoking cessation aids on the preferred
24 23 drug list are not effective or medically appropriate for a
24 24 patient, the prescriber may apply for an exception to policy
24 25 for another product approved by the United States food and
24 26 drug administration for smoking cessation pursuant to 441 IAC
24 27 1.8(1).

24 28 12. The department shall review the maximum payment
24 29 allowed under each home and community-based services waiver
24 30 and shall report by December 15, 2007, to the persons
24 31 designated in this Act to receive reports, recommendations to
24 32 adjust the maximum payment levels to provide equity among the
24 33 populations served.

24 34 13. A portion of the funds appropriated in this section
24 35 may be transferred to the appropriations in this division of
25 1 this Act for general administration, medical contracts, the
25 2 state children's health insurance program, or field operations
25 3 to be used for the state match cost to comply with the payment
25 4 error rate measurement (PERM) program for both the medical
25 5 assistance and state children's health insurance programs as
25 6 developed by the centers for Medicare and Medicaid services of
25 7 the United States department of health and human services to
25 8 comply with the federal Improper Payments Information Act of
25 9 2002, Pub. L. No. 107-300.

25 10 14. It is the intent of the general assembly that the
25 11 department implement the recommendations of the assuring
25 12 better child health and development initiative II (ABCDII)
25 13 clinical panel to the Iowa early and periodic screening,
25 14 diagnostic, and treatment services healthy mental development
25 15 collaborative board regarding changes to billing procedures,
25 16 codes, and eligible service providers.

25 17 15. Of the funds appropriated in this section, a
25 18 sufficient amount is allocated to supplement the incomes of
25 19 residents of nursing facilities with incomes of less than
25 20 fifty dollars in the amount necessary for the residents to
25 21 receive a personal needs allowance of fifty dollars per month
25 22 pursuant to section 249A.30A.

25 23 16. Of the funds appropriated in this section, \$230,618
25 24 shall be used as additional funding to reduce the waiting list
25 25 for the children's mental health home and community-based
25 26 services waiver.

25 27 Sec. 12. HEALTH INSURANCE PREMIUM PAYMENT PROGRAM. There
25 28 is appropriated from the general fund of the state to the
25 29 department of human services for the fiscal year beginning
25 30 July 1, 2007, and ending June 30, 2008, the following amount,
25 31 or so much thereof as is necessary, to be used for the purpose
25 32 designated:

25 33 For administration of the health insurance premium payment
25 34 program, including salaries, support, maintenance, and
25 35 miscellaneous purposes and for not more than the following
26 1 full-time equivalent positions:

26 2	\$ 654,568
26 3	FTEs 21.00

26 4 Sec. 13. MEDICAL CONTRACTS. There is appropriated from
26 5 the general fund of the state to the department of human
26 6 services for the fiscal year beginning July 1, 2007, and
26 7 ending June 30, 2008, the following amount, or so much thereof
26 8 as is necessary, to be used for the purpose designated:

26 9 For medical contracts, including salaries, support,
 26 10 maintenance, and miscellaneous purposes and for not more than
 26 11 the following full-time equivalent positions:
 26 12 \$ 13,773,152
 26 13 FTEs 6.00
 26 14 1. Of the funds appropriated in this section, \$50,000
 26 15 shall be used for electronic cross-matching with state vital
 26 16 records databases through the department of public health.
 26 17 2. Of the funds appropriated in this section, \$250,000
 26 18 shall be used for increased monitoring of home and
 26 19 community-based services waivers.
 26 20 Sec. 14. STATE SUPPLEMENTARY ASSISTANCE.
 26 21 1. There is appropriated from the general fund of the
 26 22 state to the department of human services for the fiscal year
 26 23 beginning July 1, 2007, and ending June 30, 2008, the
 26 24 following amount, or so much thereof as is necessary, to be
 26 25 used for the purpose designated:
 26 26 For the state supplementary assistance program:
 26 27 \$ 17,210,335
 26 28 2. The department shall increase the personal needs
 26 29 allowance for residents of residential care facilities by the
 26 30 same percentage and at the same time as federal supplemental
 26 31 security income and federal social security benefits are
 26 32 increased due to a recognized increase in the cost of living.
 26 33 The department may adopt emergency rules to implement this
 26 34 subsection.
 26 35 3. If during the fiscal year beginning July 1, 2007, the
 27 1 department projects that state supplementary assistance
 27 2 expenditures for a calendar year will not meet the federal
 27 3 pass-along requirement specified in Title XVI of the federal
 27 4 Social Security Act, section 1618, as codified in 42 U.S.C. }
 27 5 1382g, the department may take actions including but not
 27 6 limited to increasing the personal needs allowance for
 27 7 residential care facility residents and making programmatic
 27 8 adjustments or upward adjustments of the residential care
 27 9 facility or in-home health-related care reimbursement rates
 27 10 prescribed in this division of this Act to ensure that federal
 27 11 requirements are met. In addition, the department may make
 27 12 other programmatic and rate adjustments necessary to remain
 27 13 within the amount appropriated in this section while ensuring
 27 14 compliance with federal requirements. The department may
 27 15 adopt emergency rules to implement the provisions of this
 27 16 subsection.
 27 17 Sec. 15. CHILDREN'S HEALTH INSURANCE PROGRAM.
 27 18 1. There is appropriated from the general fund of the
 27 19 state to the department of human services for the fiscal year
 27 20 beginning July 1, 2007, and ending June 30, 2008, the
 27 21 following amount, or so much thereof as is necessary, to be
 27 22 used for the purpose designated:
 27 23 For maintenance of the healthy and well kids in Iowa (hawk=
 27 24 i) program pursuant to chapter 514I for receipt of federal
 27 25 financial participation under Title XXI of the federal Social
 27 26 Security Act, which creates the state children's health
 27 27 insurance program:
 27 28 \$ 14,871,052
 27 29 2. If sufficient funding is available under this Act, and
 27 30 if federal reauthorization of the state children's health
 27 31 insurance program provides sufficient federal allocations to
 27 32 the state and authorization to cover the following populations
 27 33 as an option under the state children's health insurance
 27 34 program, the department may expand coverage under the state
 27 35 children's health insurance program as follows:
 28 1 a. By eliminating the categorical exclusion of state
 28 2 employees from receiving state children's health insurance
 28 3 program benefits.
 28 4 b. By providing coverage for legal immigrant children and
 28 5 pregnant women not eligible under current federal guidelines.
 28 6 c. By covering children up to age twenty-one, or up to age
 28 7 twenty-three if the child is attending school.
 28 8 3. If the United States Congress does not authorize
 28 9 additional federal funds necessary to address the shortfall
 28 10 for the state children's health insurance program for the
 28 11 federal fiscal year beginning October 1, 2006, and ending
 28 12 September 30, 2007, the department may use 100 percent state
 28 13 funds from the appropriation made in this section for the
 28 14 period beginning July 1, 2007, and ending September 30, 2007,
 28 15 and may, after consultation with the governor and the general
 28 16 assembly, utilize funding from the appropriations made in this
 28 17 Act for medical assistance to maintain the state children's
 28 18 health insurance program. If deemed necessary, the department
 28 19 shall request a supplemental appropriation from the

28 20 Eighty=second General Assembly, 2008 Session, to address any
 28 21 remaining shortfall for the fiscal year beginning July 1,
 28 22 2007.
 28 23 Sec. 16. CHILD CARE ASSISTANCE. There is appropriated
 28 24 from the general fund of the state to the department of human
 28 25 services for the fiscal year beginning July 1, 2007, and
 28 26 ending June 30, 2008, the following amount, or so much thereof
 28 27 as is necessary, to be used for the purpose designated:
 28 28 For child care programs:
 28 29 \$ 37,875,701
 28 30 1. Of the funds appropriated in this section, \$34,969,889
 28 31 shall be used for state child care assistance in accordance
 28 32 with section 237A.13.
 28 33 2. Nothing in this section shall be construed or is
 28 34 intended as, or shall imply, a grant of entitlement for
 28 35 services to persons who are eligible for assistance due to an
 29 1 income level consistent with the waiting list requirements of
 29 2 section 237A.13. Any state obligation to provide services
 29 3 pursuant to this section is limited to the extent of the funds
 29 4 appropriated in this section.
 29 5 3. Of the funds appropriated in this section, \$525,524 is
 29 6 allocated for the statewide program for child care resource
 29 7 and referral services under section 237A.26. A list of the
 29 8 registered and licensed child care facilities operating in the
 29 9 area served by a child care resource and referral service
 29 10 shall be made available to the families receiving state child
 29 11 care assistance in that area.
 29 12 4. Of the funds appropriated in this section, \$1,180,288
 29 13 is allocated for child care quality improvement initiatives
 29 14 including but not limited to development and continuation of a
 29 15 quality rating system.
 29 16 5. The department may use any of the funds appropriated in
 29 17 this section as a match to obtain federal funds for use in
 29 18 expanding child care assistance and related programs. For the
 29 19 purpose of expenditures of state and federal child care
 29 20 funding, funds shall be considered obligated at the time
 29 21 expenditures are projected or are allocated to the
 29 22 department's service areas. Projections shall be based on
 29 23 current and projected caseload growth, current and projected
 29 24 provider rates, staffing requirements for eligibility
 29 25 determination and management of program requirements including
 29 26 data systems management, staffing requirements for
 29 27 administration of the program, contractual and grant
 29 28 obligations and any transfers to other state agencies, and
 29 29 obligations for decategorization or innovation projects.
 29 30 6. A portion of the state match for the federal child care
 29 31 and development block grant shall be provided as necessary to
 29 32 meet federal matching funds requirements through the state
 29 33 general fund appropriation for child development grants and
 29 34 other programs for at-risk children in section 279.51.
 29 35 7. Of the funds appropriated in this section, \$1,200,000
 30 1 is transferred to the Iowa empowerment fund from which it is
 30 2 appropriated to be used for professional development for the
 30 3 system of early care, health, and education.
 30 4 8. Notwithstanding section 8.33, moneys appropriated in
 30 5 this section or received from the federal appropriations made
 30 6 for the purposes of this section, that remain unencumbered or
 30 7 unobligated at the close of the fiscal year shall not revert
 30 8 to any fund but shall remain available for expenditure for the
 30 9 purposes designated until the close of the succeeding fiscal
 30 10 year.
 30 11 Sec. 17. JUVENILE INSTITUTIONS. There is appropriated
 30 12 from the general fund of the state to the department of human
 30 13 services for the fiscal year beginning July 1, 2007, and
 30 14 ending June 30, 2008, the following amounts, or so much
 30 15 thereof as is necessary, to be used for the purposes
 30 16 designated:
 30 17 1. For operation of the Iowa juvenile home at Toledo and
 30 18 for salaries, support, and maintenance and for not more than
 30 19 the following full-time positions:
 30 20 \$ 7,170,289
 30 21 FTEs 128.00
 30 22 Of the amount appropriated in this subsection, \$134,605 is
 30 23 allocated to increase mental health and behavioral services
 30 24 staffing.
 30 25 2. For operation of the state training school at Eldora
 30 26 and for salaries, support, and maintenance and for not more
 30 27 than the following full-time positions:
 30 28 \$ 11,241,986
 30 29 FTEs 204.88
 30 30 Of the amount appropriated in this subsection, \$184,988 is

30 31 allocated to increase mental health and behavioral services
30 32 staffing.

30 33 3. A portion of the moneys appropriated in this section
30 34 shall be used by the state training school and by the Iowa
30 35 juvenile home for grants for adolescent pregnancy prevention
31 1 activities at the institutions in the fiscal year beginning
31 2 July 1, 2007.

31 3 Sec. 18. CHILD AND FAMILY SERVICES.

31 4 1. There is appropriated from the general fund of the
31 5 state to the department of human services for the fiscal year
31 6 beginning July 1, 2007, and ending June 30, 2008, the
31 7 following amount, or so much thereof as is necessary, to be
31 8 used for the purpose designated:

31 9 For child and family services:

31 10 \$ 88,520,320

31 11 2. In order to address a reduction of \$5,200,000 from the
31 12 amount allocated under the appropriation made for the purposes
31 13 of this section in prior years for purposes of juvenile
31 14 delinquent graduated sanction services, up to \$5,200,000 of
31 15 the amount of federal temporary assistance for needy families
31 16 block grant funding appropriated in this division of this Act
31 17 for child and family services shall be made available for
31 18 purposes of juvenile delinquent graduated sanction services.

31 19 3. The department may transfer funds appropriated in this
31 20 section as necessary to pay the nonfederal costs of services
31 21 reimbursed under the medical assistance program or the family
31 22 investment program which are provided to children who would
31 23 otherwise receive services paid under the appropriation in
31 24 this section. The department may transfer funds appropriated
31 25 in this section to the appropriations in this division of this
31 26 Act for general administration and for field operations for
31 27 resources necessary to implement and operate the services
31 28 funded in this section.

31 29 4. a. Of the funds appropriated in this section, up to
31 30 \$35,916,527 is allocated as the statewide expenditure target
31 31 under section 232.143 for group foster care maintenance and
31 32 services.

31 33 b. If at any time after September 30, 2007, annualization
31 34 of a service area's current expenditures indicates a service
31 35 area is at risk of exceeding its group foster care expenditure
32 1 target under section 232.143 by more than 5 percent, the
32 2 department and juvenile court services shall examine all group
32 3 foster care placements in that service area in order to
32 4 identify those which might be appropriate for termination. In
32 5 addition, any aftercare services believed to be needed for the
32 6 children whose placements may be terminated shall be
32 7 identified. The department and juvenile court services shall
32 8 initiate action to set dispositional review hearings for the
32 9 placements identified. In such a dispositional review
32 10 hearing, the juvenile court shall determine whether needed
32 11 aftercare services are available and whether termination of
32 12 the placement is in the best interest of the child and the
32 13 community.

32 14 c. Of the funds allocated in this subsection, \$2,373,942
32 15 is allocated as the state match funding for 50 highly
32 16 structured juvenile program beds. If the number of beds
32 17 provided for in this lettered paragraph is not utilized, the
32 18 remaining funds allocated may be used for group foster care.

32 19 The department of human services, in consultation with the
32 20 division of criminal and juvenile justice planning of the
32 21 department of human rights, shall review the programming and
32 22 effectiveness of the two existing highly structured juvenile
32 23 programs. The review shall include consideration of the
32 24 national research concerning juvenile "boot camp" programs,
32 25 comparison of recidivism rates and foster care reentry rates
32 26 for the highly structured programs with those of other group
32 27 foster care programs. The review shall provide a
32 28 recommendation as to whether or not funding should continue to
32 29 be specifically designated for the highly structured programs.
32 30 The department shall report on or before December 15, 2007,
32 31 with findings and recommendations to the persons designated by
32 32 this Act to receive reports.

32 33 5. In accordance with the provisions of section 232.188,
32 34 the department shall continue the child welfare and juvenile
32 35 justice funding initiative. Of the funds appropriated in this
33 1 section, \$2,605,000 is allocated specifically for expenditure
33 2 through the decategorization service funding pools and
33 3 governance boards established pursuant to section 232.188. In
33 4 addition, up to \$1,000,000 of the amount of federal temporary
33 5 assistance for needy families block grant funding appropriated
33 6 in this division of this Act for child and family services

33 7 shall be made available for purposes of the decategorization
33 8 initiative as provided in this subsection.

33 9 6. A portion of the funds appropriated in this section may
33 10 be used for emergency family assistance to provide other
33 11 resources required for a family participating in a family
33 12 preservation or reunification project or successor project to
33 13 stay together or to be reunified.

33 14 7. Notwithstanding section 234.35 or any other provision
33 15 of law to the contrary, for the fiscal year beginning July 1,
33 16 2007, state funding for shelter care shall be limited to the
33 17 amount necessary to fund 273 beds that are guaranteed and
33 18 seven beds that are not guaranteed.

33 19 8. Federal funds received by the state during the fiscal
33 20 year beginning July 1, 2007, as the result of the expenditure
33 21 of state funds appropriated during a previous state fiscal
33 22 year for a service or activity funded under this section, are
33 23 appropriated to the department to be used as additional
33 24 funding for services and purposes provided for under this
33 25 section. Notwithstanding section 8.33, moneys received in
33 26 accordance with this subsection that remain unencumbered or
33 27 unobligated at the close of the fiscal year shall not revert
33 28 to any fund but shall remain available for the purposes
33 29 designated until the close of the succeeding fiscal year.

33 30 9. Of the funds appropriated in this section, \$3,696,285
33 31 shall be used for protective child care assistance.

33 32 10. a. Of the funds appropriated in this section, up to
33 33 \$2,268,963 is allocated for the payment of the expenses of
33 34 court-ordered services provided to juveniles who are under the
33 35 supervision of juvenile court services, which expenses are a
34 1 charge upon the state pursuant to section 232.141, subsection
34 2 4. Of the amount allocated in this subsection, up to
34 3 \$1,556,287 shall be made available to provide school-based
34 4 supervision of children adjudicated under chapter 232, of
34 5 which not more than \$15,000 may be used for the purpose of
34 6 training. A portion of the cost of each school-based liaison
34 7 officer shall be paid by the school district or other funding
34 8 source as approved by the chief juvenile court officer.

34 9 b. Of the funds appropriated in this section, up to
34 10 \$823,965 is allocated for the payment of the expenses of
34 11 court-ordered services provided to children who are under the
34 12 supervision of the department, which expenses are a charge
34 13 upon the state pursuant to section 232.141, subsection 4.

34 14 c. Notwithstanding section 232.141 or any other provision
34 15 of law to the contrary, the amounts allocated in this
34 16 subsection shall be distributed to the judicial districts as
34 17 determined by the state court administrator and to the
34 18 department's service areas as determined by the administrator
34 19 of the department's division of children and family services.
34 20 The state court administrator and the division administrator
34 21 shall make the determination of the distribution amounts on or
34 22 before June 15, 2007.

34 23 d. Notwithstanding chapter 232 or any other provision of
34 24 law to the contrary, a district or juvenile court shall not
34 25 order any service which is a charge upon the state pursuant to
34 26 section 232.141 if there are insufficient court-ordered
34 27 services funds available in the district court or departmental
34 28 service area distribution amounts to pay for the service. The
34 29 chief juvenile court officer and the departmental service area
34 30 manager shall encourage use of the funds allocated in this
34 31 subsection such that there are sufficient funds to pay for all
34 32 court-related services during the entire year. The chief
34 33 juvenile court officers and departmental service area managers
34 34 shall attempt to anticipate potential surpluses and shortfalls
34 35 in the distribution amounts and shall cooperatively request
35 1 the state court administrator or division administrator to
35 2 transfer funds between the judicial districts' or departmental
35 3 service areas' distribution amounts as prudent.

35 4 e. Notwithstanding any provision of law to the contrary, a
35 5 district or juvenile court shall not order a county to pay for
35 6 any service provided to a juvenile pursuant to an order
35 7 entered under chapter 232 which is a charge upon the state
35 8 under section 232.141, subsection 4.

35 9 f. Of the funds allocated in this subsection, not more
35 10 than \$100,000 may be used by the judicial branch for
35 11 administration of the requirements under this subsection.

35 12 11. Of the funds appropriated in this section, \$1,030,000
35 13 shall be transferred to the department of public health to be
35 14 used for the child protection center grant program in
35 15 accordance with section 135.118.

35 16 12. Of the funds appropriated in this section, \$152,440
35 17 shall be used for funding of one or more child welfare

diversion and mediation pilot projects as provided in 2004 Iowa Acts, chapter 1130, section 1.

13. If the department receives federal approval to implement a waiver under Title IV-E of the federal Social Security Act to enable providers to serve children who remain in the children's families and communities, for purposes of eligibility under the medical assistance program children who participate in the waiver shall be considered to be placed in foster care.

14. Of the funds appropriated in this section, \$3,031,439 is allocated for the preparation for adult living program pursuant to section 234.46. Of the amount allocated in this subsection, \$210,000 is transferred and credited to the risk pool in the property tax relief fund.

15. Of the funds appropriated in this section, \$51,500 is allocated for a grant to continue an existing program operated by a nonprofit organization providing family treatment and community education services in a nine-county area.

16. Of the funds appropriated in this section, \$830,000 shall be used to continue juvenile drug courts. The amount allocated in this subsection shall be distributed as follows:

a. To the judicial branch for salaries to assist with the operation of juvenile drug court programs operated in the following jurisdictions:

(1) Marshall county:	\$ 61,800
(2) Woodbury county:	\$ 123,862
(3) Polk county:	\$ 193,057
(4) For continuation of a program in the third judicial district:	\$ 66,950
(5) For continuation of a program in the eighth judicial district:	\$ 66,950
b. For court-ordered services to support substance abuse services provided to the juveniles participating in the juvenile drug court programs listed in paragraph "a" and the juveniles' families:	\$ 317,381

The state court administrator shall allocate the funding designated in this paragraph among the programs.

17. Of the funds appropriated in this section, \$203,000 is allocated to continue the multidimensional treatment level foster care program established pursuant to 2006 Iowa Acts, chapter 1123.

18. Of the funds appropriated in this section, \$236,900 shall be used for continuation of a grant to a nonprofit human services organization providing services to individuals and families in multiple locations in southwest Iowa and Nebraska for support of a project providing immediate, sensitive support and forensic interviews, medical exams, needs assessments and referrals for victims of child abuse and their nonoffending family members.

19. Of the funds appropriated in this section, \$120,000 is allocated for expansion of the elevate approach of providing a support network to children placed in foster care.

20. Of the funds appropriated in this section, \$300,000 is allocated for implementation of sibling visitation provisions for children subject to a court order for out-of-home placement in accordance with 2007 Iowa Acts, Senate File 480, if enacted.

21. Of the funds appropriated in this section, \$200,000 is allocated for use pursuant to section 235A.1 for a new initiative to address child sexual abuse.

Sec. 19. ADOPTION SUBSIDY.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2007, and ending June 30, 2008, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For adoption subsidy payments and services:	\$ 31,972,681
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2. The department may transfer funds appropriated in this section to the appropriations in this Act for child and family services to be used for adoptive family recruitment and other services to achieve adoption.

3. Federal funds received by the state during the fiscal year beginning July 1, 2007, as the result of the expenditure of state funds during a previous state fiscal year for a

37 29 service or activity funded under this section, are
 37 30 appropriated to the department to be used as additional
 37 31 funding for the services and activities funded under this
 37 32 section. Notwithstanding section 8.33, moneys received in
 37 33 accordance with this subsection that remain unencumbered or
 37 34 unobligated at the close of the fiscal year shall not revert
 37 35 to any fund but shall remain available for expenditure for the
 38 1 purposes designated until the close of the succeeding fiscal
 38 2 year.
 38 3 Sec. 20. JUVENILE DETENTION HOME FUND. Moneys deposited
 38 4 in the juvenile detention home fund created in section 232.142
 38 5 during the fiscal year beginning July 1, 2007, and ending June
 38 6 30, 2008, are appropriated to the department of human services
 38 7 for the fiscal year beginning July 1, 2007, and ending June
 38 8 30, 2008, for distribution as follows:
 38 9 1. An amount equal to 10 percent of the costs of the
 38 10 establishment, improvement, operation, and maintenance of
 38 11 county or multicounty juvenile detention homes in the fiscal
 38 12 year beginning July 1, 2006. Moneys appropriated for
 38 13 distribution in accordance with this subsection shall be
 38 14 allocated among eligible detention homes, prorated on the
 38 15 basis of an eligible detention home's proportion of the costs
 38 16 of all eligible detention homes in the fiscal year beginning
 38 17 July 1, 2006. Notwithstanding section 232.142, subsection 3,
 38 18 the financial aid payable by the state under that provision
 38 19 for the fiscal year beginning July 1, 2007, shall be limited
 38 20 to the amount appropriated for the purposes of this
 38 21 subsection.
 38 22 2. For renewal of a grant to a county with a population
 38 23 between 189,000 and 196,000 in the latest preceding certified
 38 24 federal census for implementation of the county's runaway
 38 25 treatment plan under section 232.195:
 38 26 \$ 80,000
 38 27 3. For continuation and expansion of the community
 38 28 partnership for child protection sites:
 38 29 \$ 418,000
 38 30 4. For continuation of the department's minority youth and
 38 31 family projects under the redesign of the child welfare
 38 32 system:
 38 33 \$ 375,000
 38 34 5. For funding of the state match for the federal
 38 35 substance abuse and mental health services administration
 39 1 (SAMHSA) system of care grant:
 39 2 \$ 400,000
 39 3 6. For transfer to the appropriation made in this Act for
 39 4 child and family services to supplement the statewide
 39 5 expenditure target amount under section 232.143 designated in
 39 6 the appropriation made in this Act for child and family
 39 7 services:
 39 8 \$ 1,324,000
 39 9 7. For training of nonlicensed relatives caring for
 39 10 children in the child welfare system:
 39 11 \$ 276,000
 39 12 8. The remainder for additional allocations to county or
 39 13 multicounty juvenile detention homes, in accordance with the
 39 14 distribution requirements of subsection 1.
 39 15 Sec. 21. FAMILY SUPPORT SUBSIDY PROGRAM.
 39 16 1. There is appropriated from the general fund of the
 39 17 state to the department of human services for the fiscal year
 39 18 beginning July 1, 2007, and ending June 30, 2008, the
 39 19 following amount, or so much thereof as is necessary, to be
 39 20 used for the purpose designated:
 39 21 For the family support subsidy program:
 39 22 \$ 1,936,434
 39 23 2. The department shall use at least \$333,212 of the
 39 24 moneys appropriated in this section for the family support
 39 25 center component of the comprehensive family support program
 39 26 under section 225C.47. Not more than \$20,000 of the amount
 39 27 allocated in this subsection shall be used for administrative
 39 28 costs.
 39 29 Sec. 22. CONNER DECREE. There is appropriated from the
 39 30 general fund of the state to the department of human services
 39 31 for the fiscal year beginning July 1, 2007, and ending June
 39 32 30, 2008, the following amount, or so much thereof as is
 39 33 necessary, to be used for the purpose designated:
 39 34 For building community capacity through the coordination
 39 35 and provision of training opportunities in accordance with the
 40 1 consent decree of Conner v. Branstad, No. 4=86=CV=30871(S.D.
 40 2 Iowa, July 14, 1994):
 40 3 \$ 42,623
 40 4 Sec. 23. MENTAL HEALTH INSTITUTES. There is appropriated

40 5 from the general fund of the state to the department of human
 40 6 services for the fiscal year beginning July 1, 2007, and
 40 7 ending June 30, 2008, the following amounts, or so much
 40 8 thereof as is necessary, to be used for the purposes
 40 9 designated:

40 10 1. For the state mental health institute at Cherokee for
 40 11 salaries, support, maintenance, and miscellaneous purposes and
 40 12 for not more than the following full-time equivalent
 40 13 positions:

40 14	\$ 5,367,652
40 15	FTEs 210.00

40 16 2. For the state mental health institute at Clarinda for
 40 17 salaries, support, maintenance, and miscellaneous purposes and
 40 18 for not more than the following full-time equivalent
 40 19 positions:

40 20	\$ 6,540,101
40 21	FTEs 109.95

40 22 3. For the state mental health institute at Independence
 40 23 for salaries, support, maintenance, and miscellaneous purposes
 40 24 and for not more than the following full-time equivalent
 40 25 positions:

40 26	\$ 9,606,542
40 27	FTEs 285.66

40 28 4. For the state mental health institute at Mount Pleasant
 40 29 for salaries, support, maintenance, and miscellaneous purposes
 40 30 and for not more than the following full-time equivalent
 40 31 positions:

40 32	\$ 1,522,598
40 33	FTEs 115.84

40 34 Sec. 24. STATE RESOURCE CENTERS.

40 35 1. There is appropriated from the general fund of the
 41 1 state to the department of human services for the fiscal year
 41 2 beginning July 1, 2007, and ending June 30, 2008, the
 41 3 following amounts, or so much thereof as is necessary, to be
 41 4 used for the purposes designated:

41 5 a. For the state resource center at Glenwood for salaries,
 41 6 support, maintenance, and miscellaneous purposes:

41 7	\$ 15,938,762
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41 8 b. For the state resource center at Woodward for salaries,
 41 9 support, maintenance, and miscellaneous purposes:

41 10	\$ 10,087,272
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41 11 2. The department may continue to bill for state resource
 41 12 center services utilizing a scope of services approach used
 41 13 for private providers of ICFMR services, in a manner which
 41 14 does not shift costs between the medical assistance program,
 41 15 counties, or other sources of funding for the state resource
 41 16 centers.

41 17 3. The state resource centers may expand the time-limited
 41 18 assessment and respite services during the fiscal year.

41 19 4. If the department's administration and the department
 41 20 of management concur with a finding by a state resource
 41 21 center's superintendent that projected revenues can reasonably
 41 22 be expected to pay the salary and support costs for a new
 41 23 employee position, or that such costs for adding a particular
 41 24 number of new positions for the fiscal year would be less than
 41 25 the overtime costs if new positions would not be added, the
 41 26 superintendent may add the new position or positions. If the
 41 27 vacant positions available to a resource center do not include
 41 28 the position classification desired to be filled, the state
 41 29 resource center's superintendent may reclassify any vacant
 41 30 position as necessary to fill the desired position. The
 41 31 superintendents of the state resource centers may, by mutual
 41 32 agreement, pool vacant positions and position classifications
 41 33 during the course of the fiscal year in order to assist one
 41 34 another in filling necessary positions.

41 35 5. If existing capacity limitations are reached in
 42 1 operating units, a waiting list is in effect for a service or
 42 2 a special need for which a payment source or other funding is
 42 3 available for the service or to address the special need, and
 42 4 facilities for the service or to address the special need can
 42 5 be provided within the available payment source or other
 42 6 funding, the superintendent of a state resource center may
 42 7 authorize opening not more than two units or other facilities
 42 8 and to begin implementing the service or addressing the
 42 9 special need during fiscal year 2007=2008.

42 10 Sec. 25. MI/MR/DD STATE CASES.

42 11 1. There is appropriated from the general fund of the
 42 12 state to the department of human services for the fiscal year
 42 13 beginning July 1, 2007, and ending June 30, 2008, the
 42 14 following amount, or so much thereof as is necessary, to be
 42 15 used for the purpose designated:

42 16 For distribution to counties for state case services for
42 17 persons with mental illness, mental retardation, and
42 18 developmental disabilities in accordance with section 331.440:
42 19 \$ 11,067,178
42 20 2. For the fiscal year beginning July 1, 2007, and ending
42 21 June 30, 2008, \$200,000 is allocated for state case services
42 22 from the amounts appropriated from the fund created in section
42 23 8.41 to the department of human services from the funds
42 24 received from the federal government under 42 U.S.C., chapter
42 25 6A, subchapter XVII, relating to the community mental health
42 26 center block grant, for the federal fiscal years beginning
42 27 October 1, 2005, and ending September 30, 2006, beginning
42 28 October 1, 2006, and ending September 30, 2007, and beginning
42 29 October 1, 2007, and ending September 30, 2008. The
42 30 allocation made in this subsection shall be made prior to any
42 31 other distribution allocation of the appropriated federal
42 32 funds.
42 33 3. Notwithstanding section 8.33, moneys appropriated in
42 34 this section that remain unencumbered or unobligated at the
42 35 close of the fiscal year shall not revert but shall remain
43 1 available for expenditure for the purposes designated until
43 2 the close of the succeeding fiscal year.
43 3 Sec. 26. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES ==
43 4 COMMUNITY SERVICES FUND. There is appropriated from the
43 5 general fund of the state to the mental health and
43 6 developmental disabilities community services fund created in
43 7 section 225C.7 for the fiscal year beginning July 1, 2007, and
43 8 ending June 30, 2008, the following amount, or so much thereof
43 9 as is necessary, to be used for the purpose designated:
43 10 For mental health and developmental disabilities community
43 11 services in accordance with this division of this Act:
43 12 \$ 18,017,890
43 13 1. Of the funds appropriated in this section, \$17,727,890
43 14 shall be allocated to counties for funding of community-based
43 15 mental health and developmental disabilities services. The
43 16 moneys shall be allocated to a county as follows:
43 17 a. Fifty percent based upon the county's proportion of the
43 18 state's population of persons with an annual income which is
43 19 equal to or less than the poverty guideline established by the
43 20 federal office of management and budget.
43 21 b. Fifty percent based upon the county's proportion of the
43 22 state's general population.
43 23 2. a. A county shall utilize the funding the county
43 24 receives pursuant to subsection 1 for services provided to
43 25 persons with a disability, as defined in section 225C.2.
43 26 However, no more than 50 percent of the funding shall be used
43 27 for services provided to any one of the service populations.
43 28 b. A county shall use at least 50 percent of the funding
43 29 the county receives under subsection 1 for contemporary
43 30 services provided to persons with a disability, as described
43 31 in rules adopted by the department.
43 32 3. Of the funds appropriated in this section, \$30,000
43 33 shall be used to support the Iowa compass program providing
43 34 computerized information and referral services for Iowans with
43 35 disabilities and their families.
44 1 4. a. Funding appropriated for purposes of the federal
44 2 social services block grant is allocated for distribution to
44 3 counties for local purchase of services for persons with
44 4 mental illness or mental retardation or other developmental
44 5 disability.
44 6 b. The funds allocated in this subsection shall be
44 7 expended by counties in accordance with the county's approved
44 8 county management plan. A county without an approved county
44 9 management plan shall not receive allocated funds until the
44 10 county's management plan is approved.
44 11 c. The funds provided by this subsection shall be
44 12 allocated to each county as follows:
44 13 (1) Fifty percent based upon the county's proportion of
44 14 the state's population of persons with an annual income which
44 15 is equal to or less than the poverty guideline established by
44 16 the federal office of management and budget.
44 17 (2) Fifty percent based upon the amount provided to the
44 18 county for local purchase of services in the preceding fiscal
44 19 year.
44 20 5. A county is eligible for funds under this section if
44 21 the county qualifies for a state payment as described in
44 22 section 331.439.
44 23 6. Of the funds appropriated in this section, \$260,000 is
44 24 allocated to the department for continuing the development of
44 25 an assessment process for use beginning in a subsequent fiscal
44 26 year as authorized specifically by a statute to be enacted in

44 27 a subsequent fiscal year, determining on a consistent basis
44 28 the needs and capacities of persons seeking or receiving
44 29 mental health, mental retardation, developmental disabilities,
44 30 or brain injury services that are paid for in whole or in part
44 31 by the state or a county. The assessment process shall be
44 32 developed with the involvement of counties and the mental
44 33 health, mental retardation, developmental disabilities, and
44 34 brain injury commission.

44 35 7. The most recent population estimates issued by the
45 1 United States bureau of the census shall be applied for the
45 2 population factors utilized in this section.

45 3 Sec. 27. SEXUALLY VIOLENT PREDATORS.

45 4 1. There is appropriated from the general fund of the
45 5 state to the department of human services for the fiscal year
45 6 beginning July 1, 2007, and ending June 30, 2008, the
45 7 following amount, or so much thereof as is necessary, to be
45 8 used for the purpose designated:

45 9 For costs associated with the commitment and treatment of
45 10 sexually violent predators in the unit located at the state
45 11 mental health institute at Cherokee, including costs of legal
45 12 services and other associated costs, including salaries,
45 13 support, maintenance, and miscellaneous purposes and for not
45 14 more than the following full-time equivalent positions:

45 15 \$ 6,296,003
45 16 FTEs 96.66

45 17 2. Unless specifically prohibited by law, if the amount
45 18 charged provides for recoupment of at least the entire amount
45 19 of direct and indirect costs, the department of human services
45 20 may contract with other states to provide care and treatment
45 21 of persons placed by the other states at the unit for sexually
45 22 violent predators at Cherokee. The moneys received under such
45 23 a contract shall be considered to be repayment receipts and
45 24 used for the purposes of the appropriation made in this
45 25 section.

45 26 Sec. 28. FIELD OPERATIONS. There is appropriated from the
45 27 general fund of the state to the department of human services
45 28 for the fiscal year beginning July 1, 2007, and ending June
45 29 30, 2008, the following amount, or so much thereof as is
45 30 necessary, to be used for the purposes designated:

45 31 For field operations, including salaries, support,
45 32 maintenance, and miscellaneous purposes and for not more than
45 33 the following full-time equivalent positions:

45 34 \$ 63,358,895
45 35 FTEs 2,045.71

46 1 1. The amount appropriated in this section includes an
46 2 increase for additional full-time equivalent positions to
46 3 provide for additional child and family visits.

46 4 2. Priority in filling full-time equivalent positions
46 5 shall be given to those positions related to child protection
46 6 services.

46 7 3. The department shall utilize a request for proposals
46 8 process to select the location for a new customer service call
46 9 center.

46 10 Sec. 29. GENERAL ADMINISTRATION. There is appropriated
46 11 from the general fund of the state to the department of human
46 12 services for the fiscal year beginning July 1, 2007, and
46 13 ending June 30, 2008, the following amount, or so much thereof
46 14 as is necessary, to be used for the purpose designated:

46 15 For general administration, including salaries, support,
46 16 maintenance, and miscellaneous purposes and for not more than
46 17 the following full-time equivalent positions:

46 18 \$ 15,851,927
46 19 FTEs 329.90

46 20 1. Of the funds appropriated in this section, \$57,000 is
46 21 allocated for the prevention of disabilities policy council
46 22 established in section 225B.3.

46 23 2. Of the funds appropriated in this section, \$350,000 is
46 24 allocated as additional funding for the division of mental
46 25 health and disability services for planning, analysis, and
46 26 other costs associated with improvements to the mental health
46 27 services system.

46 28 3. Of the funds appropriated in this section, \$100,000 is
46 29 transferred to the department of human rights to be used in
46 30 addition to any other funding appropriated in this Act for the
46 31 energy utility assessment and resolution program established
46 32 pursuant to section 216A.104, as enacted by this Act.

46 33 Sec. 30. VOLUNTEERS. There is appropriated from the
46 34 general fund of the state to the department of human services
46 35 for the fiscal year beginning July 1, 2007, and ending June
47 1 30, 2008, the following amount, or so much thereof as is
47 2 necessary, to be used for the purpose designated:

47 3 For development and coordination of volunteer services:
47 4 \$ 109,568
47 5 Sec. 31. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
47 6 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE
47 7 DEPARTMENT OF HUMAN SERVICES.
47 8 1. a. (1) For the fiscal year beginning July 1, 2007,
47 9 the total state funding amount for the nursing facility budget
47 10 shall not exceed \$184,117,323.
47 11 (2) For the fiscal year beginning July 1, 2007, the
47 12 department shall rebase case=mix nursing facility rates.
47 13 However, total nursing facility budget expenditures, including
47 14 both case=mix and noncase=mix shall not exceed the amount
47 15 specified in subparagraph (1). When calculating case=mix per
47 16 diem cost and the patient=day=weighted medians used in rate
47 17 setting for nursing facilities effective July 1, 2007, the
47 18 inflation factor applied from the midpoint of the cost report
47 19 period to the first day of the state fiscal year rate period
47 20 shall be adjusted to maintain state funding within the amount
47 21 specified in subparagraph (1). The department, in cooperation
47 22 with nursing facility representatives, shall review
47 23 projections for state funding expenditures for reimbursement
47 24 of nursing facilities on a quarterly basis and the department
47 25 shall determine if an adjustment to the medical assistance
47 26 reimbursement rate is necessary in order to provide
47 27 reimbursement within the state funding amount. Any temporary
47 28 enhanced federal financial participation that may become
47 29 available to the Iowa medical assistance program during the
47 30 fiscal year shall not be used in projecting the nursing
47 31 facility budget. Notwithstanding 2001 Iowa Acts, chapter 192,
47 32 section 4, subsection 2, paragraph "c", and subsection 3,
47 33 paragraph "a", subparagraph (2), if the state funding
47 34 expenditures for the nursing facility budget for the fiscal
47 35 year beginning July 1, 2007, are projected to exceed the
48 1 amount specified in subparagraph (1), the department shall
48 2 adjust the reimbursement for nursing facilities reimbursed
48 3 under the case=mix reimbursement system to maintain
48 4 expenditures of the nursing facility budget within the
48 5 specified amount.
48 6 b. (1) For the fiscal year beginning July 1, 2007, the
48 7 department shall reimburse pharmacy dispensing fees using a
48 8 single rate of \$4.52 per prescription, or the pharmacy's usual
48 9 and customary fee, whichever is lower.
48 10 (2) Beginning July 1, 2007, the department of human
48 11 services shall adopt rules, pursuant to chapter 17A, to
48 12 provide for the adjustment of the pharmacy dispensing fee to
48 13 compensate for any reduction in the drug product cost
48 14 reimbursement resulting from implementation of the average
48 15 manufacturer price reimbursement standards for multisource
48 16 generic drug products imposed pursuant to the federal Deficit
48 17 Reduction Act of 2005, Pub. L. No. 109=171. In implementing
48 18 the reimbursement, the department may adjust the reimbursement
48 19 amount as necessary to provide reimbursement within the state
48 20 funding appropriated for the fiscal year beginning July 1,
48 21 2007, and ending June 30, 2008, for this purpose. The
48 22 department shall submit a medical assistance state plan
48 23 amendment to the centers for Medicare and Medicaid services of
48 24 the United States department of health and human services as
48 25 necessary to implement this subparagraph (2).
48 26 c. (1) For the fiscal year beginning July 1, 2007,
48 27 reimbursement rates for inpatient and outpatient hospital
48 28 services shall remain at the rates in effect on June 30, 2007.
48 29 The department shall continue the outpatient hospital
48 30 reimbursement system based upon ambulatory patient groups
48 31 implemented pursuant to 1994 Iowa Acts, chapter 1186, section
48 32 25, subsection 1, paragraph "f", unless the department adopts
48 33 the Medicare ambulatory payment classification methodology
48 34 authorized in subparagraph (2).
48 35 (2) The department may implement the Medicare ambulatory
49 1 payment classification methodology for reimbursement of
49 2 outpatient hospital services. Any change in hospital
49 3 reimbursement shall be budget neutral.
49 4 (3) In order to ensure the efficient use of limited state
49 5 funds in procuring health care services for low-income Iowans,
49 6 funds appropriated in this Act for hospital services shall not
49 7 be used for activities which would be excluded from a
49 8 determination of reasonable costs under the federal Medicare
49 9 program pursuant to 42 U.S.C. } 1395X(v)(1)(N).
49 10 d. For the fiscal year beginning July 1, 2007,
49 11 reimbursement rates for rural health clinics, hospices,
49 12 independent laboratories, and acute mental hospitals shall be
49 13 increased in accordance with increases under the federal

49 14 Medicare program or as supported by their Medicare audited
49 15 costs.

49 16 e. (1) For the fiscal year beginning July 1, 2007,
49 17 reimbursement rates for home health agencies shall remain at
49 18 the rates in effect on June 30, 2007, not to exceed a home
49 19 health agency's actual allowable cost.

49 20 (2) The department shall establish a fixed-fee
49 21 reimbursement schedule for home health agencies under the
49 22 medical assistance program beginning July 1, 2007.

49 23 f. For the fiscal year beginning July 1, 2007, federally
49 24 qualified health centers shall receive cost-based
49 25 reimbursement for 100 percent of the reasonable costs for the
49 26 provision of services to recipients of medical assistance.

49 27 g. For the fiscal year beginning July 1, 2007, the
49 28 reimbursement rates for dental services shall remain at the
49 29 rates in effect on June 30, 2007.

49 30 h. For the fiscal year beginning July 1, 2007, the maximum
49 31 reimbursement rate for psychiatric medical institutions for
49 32 children shall be \$165.53 per day.

49 33 i. For the fiscal year beginning July 1, 2007, unless
49 34 otherwise specified in this Act, all noninstitutional medical
49 35 assistance provider reimbursement rates shall remain at the
50 1 rates in effect on June 30, 2007, except for area education
50 2 agencies, local education agencies, infant and toddler
50 3 services providers, and those providers whose rates are
50 4 required to be determined pursuant to section 249A.20.

50 5 j. Notwithstanding section 249A.20, for the fiscal year
50 6 beginning July 1, 2007, the average reimbursement rate for
50 7 health care providers eligible for use of the federal Medicare
50 8 resource-based relative value scale reimbursement methodology
50 9 under that section shall remain at the rate in effect on June
50 10 30, 2007; however, this rate shall not exceed the maximum
50 11 level authorized by the federal government.

50 12 k. For the fiscal year beginning July 1, 2007, the
50 13 reimbursement rate for residential care facilities shall not
50 14 be less than the minimum payment level as established by the
50 15 federal government to meet the federally mandated maintenance
50 16 of effort requirement. The flat reimbursement rate for
50 17 facilities electing not to file semiannual cost reports shall
50 18 not be less than the minimum payment level as established by
50 19 the federal government to meet the federally mandated
50 20 maintenance of effort requirement.

50 21 l. For the fiscal year beginning July 1, 2007, inpatient
50 22 mental health services provided at hospitals shall be
50 23 reimbursed at the cost of the services, subject to Medicaid
50 24 program upper payment limit rules, community mental health
50 25 centers and providers of mental health services to county
50 26 residents pursuant to a waiver approved under section 225C.7,
50 27 subsection 3, shall be reimbursed at 100 percent of the
50 28 reasonable costs for the provision of services to recipients
50 29 of medical assistance, and psychiatrists shall be reimbursed
50 30 at the medical assistance program fee for service rate.

50 31 2. For the fiscal year beginning July 1, 2007, the
50 32 reimbursement rate for providers reimbursed under the in=
50 33 home-related care program shall not be less than the minimum
50 34 payment level as established by the federal government to meet
50 35 the federally mandated maintenance of effort requirement.

51 1 3. Unless otherwise directed in this section, when the
51 2 department's reimbursement methodology for any provider
51 3 reimbursed in accordance with this section includes an
51 4 inflation factor, this factor shall not exceed the amount by
51 5 which the consumer price index for all urban consumers
51 6 increased during the calendar year ending December 31, 2002.

51 7 4. For the fiscal year beginning July 1, 2007, the foster
51 8 family basic daily maintenance rate paid in accordance with
51 9 section 234.38, the maximum adoption subsidy rate, and the
51 10 maximum supervised apartment living foster care rate for
51 11 children ages 0 through 5 years shall be \$15.89, the rate for
51 12 children ages 6 through 11 years shall be \$16.54, the rate for
51 13 children ages 12 through 15 years shall be \$18.16, and the
51 14 rate for children ages 16 and older shall be \$18.37.

51 15 5. For the fiscal year beginning July 1, 2007, the maximum
51 16 reimbursement rates for social services providers reimbursed
51 17 under a purchase of social services contract shall be
51 18 increased by 3 percent over the rates in effect on June 30,
51 19 2007, or to the provider's actual and allowable cost plus
51 20 inflation for each service, whichever is less. The rates may
51 21 also be adjusted under any of the following circumstances:

51 22 a. If a new service was added after June 30, 2007, the
51 23 initial reimbursement rate for the service shall be based upon
51 24 actual and allowable costs.

51 25 b. If a social service provider loses a source of income
 51 26 used to determine the reimbursement rate for the provider, the
 51 27 provider's reimbursement rate may be adjusted to reflect the
 51 28 loss of income, provided that the lost income was used to
 51 29 support actual and allowable costs of a service purchased
 51 30 under a purchase of service contract.

51 31 6. For the fiscal year beginning July 1, 2007, the
 51 32 reimbursement rates for family-centered service providers,
 51 33 family foster care service providers, group foster care
 51 34 service providers, and the resource family recruitment and
 51 35 retention contractor shall be increased by 3 percent over the
 52 1 rates in effect on June 30, 2007.

52 2 7. The group foster care reimbursement rates paid for
 52 3 placement of children out of state shall be calculated
 52 4 according to the same rate-setting principles as those used
 52 5 for in-state providers unless the director of human services
 52 6 or the director's designee determines that appropriate care
 52 7 cannot be provided within the state. The payment of the daily
 52 8 rate shall be based on the number of days in the calendar
 52 9 month in which service is provided.

52 10 8. For the fiscal year beginning July 1, 2007, the
 52 11 reimbursement rates for remedial service providers shall
 52 12 remain at the rates in effect for June 30, 2007.

52 13 9. a. For the fiscal year beginning July 1, 2007, the
 52 14 combined service and maintenance components of the
 52 15 reimbursement rate paid for shelter care services purchased
 52 16 under a contract shall be based on the financial and
 52 17 statistical report submitted to the department. The maximum
 52 18 reimbursement rate shall be \$91.45 per day. The department
 52 19 shall reimburse a shelter care provider at the provider's
 52 20 actual and allowable unit cost, plus inflation, not to exceed
 52 21 the maximum reimbursement rate.

52 22 b. Notwithstanding section 232.141, subsection 8, for the
 52 23 fiscal year beginning July 1, 2007, the amount of the
 52 24 statewide average of the actual and allowable rates for
 52 25 reimbursement of juvenile shelter care homes that is utilized
 52 26 for the limitation on recovery of unpaid costs shall be
 52 27 increased by \$2.66 over the amount in effect for this purpose
 52 28 in the preceding fiscal year.

52 29 10. For the fiscal year beginning July 1, 2007, the
 52 30 department shall calculate reimbursement rates for
 52 31 intermediate care facilities for persons with mental
 52 32 retardation at the 80th percentile.

52 33 11. For the fiscal year beginning July 1, 2007, for child
 52 34 care providers reimbursed under the state child care
 52 35 assistance program, the department shall set provider
 53 1 reimbursement rates based on the rate reimbursement survey
 53 2 completed in December 2004. The department shall set rates in
 53 3 a manner so as to provide incentives for a nonregistered
 53 4 provider to become registered.

53 5 12. For the fiscal year beginning July 1, 2007,
 53 6 reimbursements for providers reimbursed by the department of
 53 7 human services may be modified if appropriated funding is
 53 8 allocated for that purpose from the senior living trust fund
 53 9 created in section 249H.4, or as specified in appropriations
 53 10 from the healthy Iowans tobacco trust created in section
 53 11 12.65.

53 12 13. The department may adopt emergency rules to implement
 53 13 this section.

53 14 Sec. 32. DEPARTMENT OF CORRECTIONS. There is appropriated
 53 15 from the general fund of the state to the department of
 53 16 corrections for the fiscal year beginning July 1, 2007, and
 53 17 ending June 30, 2008, the following amount, or so much thereof
 53 18 as is necessary, for the purposes designated:
 53 19 For additional funding for the drug court program in the
 53 20 fourth judicial district:

53 21	\$ 25,000
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53 22 Sec. 33. MEDICAL ASSISTANCE == NURSING FACILITY
 53 23 REIMBURSEMENT. There is appropriated from the general fund of
 53 24 the state to the department of human services for the fiscal
 53 25 year beginning July 1, 2006, and ending June 30, 2007, the
 53 26 following amount, or so much thereof as is necessary, to be
 53 27 used for the purposes designated:
 53 28 For the purpose of funding total nursing facility budget
 53 29 expenditures under the medical assistance program including
 53 30 rebasing of the case-mix nursing facility rates and
 53 31 noncase-mix nursing facility-related expenditures as provided
 53 32 in this Act, for expenditure after June 30, 2007:

53 33	\$ 10,400,000
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53 34 Notwithstanding section 8.33, moneys appropriated in this
 53 35 section that remain unencumbered or unobligated at the close

54 1 of the fiscal year shall not revert but shall remain available
54 2 for expenditure for the purpose designated until the close of
54 3 the succeeding fiscal year.

54 4 Sec. 34. CHILD SUPPORT COLLECTIONS FEE. The department of
54 5 human services may adopt emergency rules to implement the
54 6 provisions of section 252B.5, subsection 12, as enacted by
54 7 this Act, during the fiscal year beginning July 1, 2007.

54 8 Sec. 35. EMERGENCY RULES. If specifically authorized by a
54 9 provision of this division of this Act, the department of
54 10 human services or the mental health, mental retardation,
54 11 developmental disabilities, and brain injury commission may
54 12 adopt administrative rules under section 17A.4, subsection 2,
54 13 and section 17A.5, subsection 2, paragraph "b", to implement
54 14 the provisions and the rules shall become effective
54 15 immediately upon filing or on a later effective date specified
54 16 in the rules, unless the effective date is delayed by the
54 17 administrative rules review committee. Any rules adopted in
54 18 accordance with this section shall not take effect before the
54 19 rules are reviewed by the administrative rules review
54 20 committee. The delay authority provided to the administrative
54 21 rules review committee under section 17A.4, subsection 5, and
54 22 section 17A.8, subsection 9, shall be applicable to a delay
54 23 imposed under this section, notwithstanding a provision in
54 24 those sections making them inapplicable to section 17A.5,
54 25 subsection 2, paragraph "b". Any rules adopted in accordance
54 26 with the provisions of this section shall also be published as
54 27 notice of intended action as provided in section 17A.4.

54 28 Sec. 36. REPORTS. Any reports or information required to
54 29 be compiled and submitted under this Act shall be submitted to
54 30 the chairpersons and ranking members of the joint
54 31 appropriations subcommittee on health and human services, the
54 32 legislative services agency, and the legislative caucus staffs
54 33 on or before the dates specified for submission of the reports
54 34 or information.

54 35 Sec. 37. Section 217.23, subsection 2, Code 2007, is
55 1 amended to read as follows:

55 2 2. The department ~~is hereby authorized to~~ may expend
55 3 moneys from the support allocation of the department as
55 4 reimbursement for replacement or repair of personal items of
55 5 the department's employees damaged or destroyed by clients of
55 6 the department during the employee's tour of duty. However,
55 7 the reimbursement shall not exceed ~~one three hundred fifty~~
55 8 dollars for each item. The department shall establish rules
55 9 in accordance with chapter 17A to carry out the purpose of
55 10 this section.

55 11 Sec. 38. Section 231.33, Code 2007, is amended by adding
55 12 the following new subsection:

55 13 NEW SUBSECTION. 21. Provide the opportunity for elders
55 14 residing in the planning and service area to offer substantive
55 15 suggestions regarding the employment practices of the area
55 16 agency on aging.

55 17 Sec. 39. NEW SECTION. 239B.11A TRANSITIONAL BENEFITS.

55 18 The department shall provide a transitional benefits
55 19 payment of one hundred dollars per month for up to three
55 20 months to families with members who are employed at the time
55 21 the family leaves the family investment program. Provision of
55 22 the transitional benefits payment is subject to the
55 23 availability of funding for the payment. The department shall
55 24 adopt administrative rules for the transitional benefits.

55 25 Sec. 40. Section 239B.17, subsection 1, Code 2007, is
55 26 amended to read as follows:

55 27 1. PROGRAM ESTABLISHED. The promoting independence and
55 28 self-sufficiency through employment job opportunities and
55 29 basic skills program is established for applicants and
55 30 participants of the family investment program. The
55 31 requirements of the JOBS program shall vary as provided in the
55 32 family investment agreement applicable to a family. The
55 33 department of workforce development, department of economic
55 34 development, department of education, and all other state,
55 35 county, and public educational agencies and institutions
56 1 providing vocational rehabilitation, adult education, or
56 2 vocational or technical training shall assist and cooperate in
56 3 the JOBS program. The departments, agencies, and institutions
56 4 shall make agreements and arrangements for maximum cooperation
56 5 and use of all available resources in the program. ~~By mutual~~
~~56 6 agreement the~~ The department of human services may ~~delegate~~
~~56 7 any of the department of human services' powers and duties~~
~~56 8 under this chapter to contract with~~ the department of
56 9 workforce development, ~~or to the department of economic~~
56 10 development, ~~or another appropriate entity to provide JOBS~~
56 11 program services.

56 12 Sec. 41. Section 249A.3, subsection 2, paragraphs i, j,
56 13 and k, Code 2007, are amended to read as follows:
56 14 i. ~~Individuals and families who would be eligible under~~
56 15 ~~subsection 1 or 2 of this section except for excess income or~~
56 16 ~~resources, or a reasonable category of those individuals and~~
56 17 ~~families. As allowed under 42 U.S.C. }~~
56 18 1396a(a)(10)(A)(ii)(XVII), individuals under twenty-one years
56 19 of age who were in foster care under the responsibility of the
56 20 state on the individual's eighteenth birthday, and whose
56 21 income is less than two hundred percent of the most recently
56 22 revised official poverty guidelines published by the United
56 23 States department of health and human services. Medical
56 24 assistance may be provided for an individual described by this
56 25 paragraph regardless of the individual's resources.
56 26 j. ~~Individuals who have attained the age of twenty-one but~~
56 27 ~~have not yet attained the age of sixty-five who qualify on a~~
56 28 ~~financial basis for, but who are otherwise ineligible to~~
56 29 ~~receive, federal supplemental security income or assistance~~
56 30 ~~under the family investment program. Women eligible for~~
56 31 ~~family planning services under a federally approved~~
56 32 ~~demonstration waiver.~~
56 33 k. ~~As allowed under 42 U.S.C. }~~ 1396a(a)(10)(A)(ii)(XVII),
56 34 ~~individuals under twenty-one years of age who were in foster~~
56 35 ~~care under the responsibility of the state on the individual's~~
57 1 ~~eighteenth birthday, and whose income is less than two hundred~~
57 2 ~~percent of the most recently revised official poverty~~
57 3 ~~guidelines published by the United States department of health~~
57 4 ~~and human services. Medical assistance may be provided for an~~
57 5 ~~individual described by this paragraph regardless of the~~
57 6 ~~individual's resources. Individuals and families who would be~~
57 7 ~~eligible under subsection 1 or 2 of this section except for~~
57 8 ~~excess income or resources, or a reasonable category of those~~
57 9 ~~individuals and families.~~
57 10 Sec. 42. Section 249A.3, subsection 2, Code 2007, is
57 11 amended by adding the following new paragraph:
57 12 NEW PARAGRAPH. 1. Individuals who have attained the age
57 13 of twenty-one but have not yet attained the age of sixty-five
57 14 who qualify on a financial basis for, but who are otherwise
57 15 ineligible to receive, federal supplemental security income or
57 16 assistance under the family investment program.
57 17 Sec. 43. Section 249A.3, subsections 4, 5A, and 5B, Code
57 18 2007, are amended to read as follows:
57 19 4. Discretionary medical assistance, within the limits of
57 20 available funds and in accordance with section 249A.4,
57 21 subsection 1, may be provided to or on behalf of those
57 22 individuals and families described in subsection 2, paragraph
57 23 ~~"i"~~ "k" of this section.
57 24 5A. In determining eligibility for children under
57 25 subsection 1, paragraphs "b", "f", "g", "j", "k", "n", and
57 26 "s"; subsection 2, paragraphs "c", "e", "f", "h", and ~~"i"~~ "k";
57 27 and subsection 5, paragraph "b", all resources of the family,
57 28 other than monthly income, shall be disregarded.
57 29 5B. In determining eligibility for adults under subsection
57 30 1, paragraphs "b", "e", "h", "j", "k", "n", "s", and "t";
57 31 subsection 2, paragraphs "d", "e", "h", ~~"i"~~ "k", and ~~"j"~~ "l";
57 32 and subsection 5, paragraph "b", one motor vehicle per
57 33 household shall be disregarded.
57 34 Sec. 44. Section 249A.30A, Code 2007, is amended to read
57 35 as follows:
58 1 249A.30A MEDICAL ASSISTANCE == PERSONAL NEEDS ALLOWANCE.
58 2 The personal needs allowance under the medical assistance
58 3 program, which may be retained by a resident of a nursing
58 4 facility, an intermediate care facility for persons with
58 5 mental retardation, or an intermediate care facility for
58 6 persons with mental illness, as defined in section 135C.1, or
58 7 who is a resident of a psychiatric medical institution for
58 8 children as defined in section 135H.1, shall be fifty dollars
58 9 per month. A resident who has income of less than fifty
58 10 dollars per month shall receive a supplement from the state in
58 11 the amount necessary to receive a personal needs allowance of
58 12 fifty dollars per month, if funding is specifically
58 13 appropriated for this purpose.
58 14 Sec. 45. Section 252B.5, Code 2007, is amended by adding
58 15 the following new subsection:
58 16 NEW SUBSECTION. 12. a. Beginning October 1, 2007,
58 17 implement the provision of the federal Deficit Reduction Act
58 18 of 2005, Pub. L. No. 109-171 } 7310, requiring an annual
58 19 collections fee of twenty-five dollars in child support cases
58 20 in which the family has never received assistance under Title
58 21 IV=A of the federal Social Security Act for whom the unit has
58 22 collected at least five hundred dollars. After the first five

58 23 hundred dollars in support is collected in each year for a
 58 24 family, the fee shall be collected from the obligor by
 58 25 retaining twenty-five dollars from subsequent collections. If
 58 26 five hundred dollars but less than five hundred twenty-five
 58 27 dollars is collected in any year, any unpaid portion of the
 58 28 annual fee shall not accumulate and is not due. Any amount
 58 29 retained to pay the twenty-five dollar fee shall not reduce
 58 30 the amount of support due under the support order. The unit
 58 31 shall send information regarding the requirements of this
 58 32 subsection by regular mail to the last known address of an
 58 33 affected obligor or obligee, or may include the information
 58 34 for an obligee in an application for services signed by the
 58 35 obligee. In addition, the unit shall take steps necessary
 59 1 regarding the fee to qualify for federal funds in conformity
 59 2 with the provisions of Title IV-D of the federal Social
 59 3 Security Act, including receiving and accounting for fee
 59 4 payments, as appropriate, through the collection services
 59 5 center created in section 252B.13A.
 59 6 b. Fees collected pursuant to this subsection shall be
 59 7 considered repayment receipts as defined in section 8.2, and
 59 8 shall be used for the purposes of the unit. The director
 59 9 shall maintain an accurate record of the fees collected and
 59 10 expended under this subsection.
 59 11 c. If any requirement in paragraph "a" for implementation
 59 12 of the annual fee does not conform to federal law, the fee
 59 13 shall instead be implemented in conformance with federal law.
 59 14 Additionally, if federal law does not permit collection of the
 59 15 annual fee from the obligor as provided in paragraph "a", the
 59 16 fee shall be collected from the obligee by retaining a
 59 17 twenty-five dollar fee from support paid by the obligor.
 59 18 Sec. 46. 2006 Iowa Acts, chapter 1123, section 1,
 59 19 subsections 3 and 4, are amended to read as follows:
 59 20 3. ELIGIBILITY. A child is eligible for the treatment
 59 21 program if at the time of discharge from a psychiatric
 59 22 institution the child is unable to return to the child's
 59 23 home or participation in the treatment program may
 59 24 eliminate or limit the need for placement in a psychiatric
 59 25 institution, and one of the following conditions is
 59 26 applicable:
 59 27 a. The child has treatment issues which cause the child to
 59 28 be at high risk of failing in a foster care placement unless
 59 29 targeted support services are provided.
 59 30 b. The child has had multiple previous out-of-home
 59 31 placements.
 59 32 4. ELIGIBILITY DETERMINATION. Children who are
 59 33 potentially eligible for a treatment program shall be
 59 34 identified by the administrator of a treatment program prior
 59 35 to or at the time of the child's admission to a psychiatric
 60 1 institution. In order to be admitted to the treatment
 60 2 program, the treatment program administrator must determine
 60 3 the child has a need that can be met by the program, the child
 60 4 can be placed with an appropriate family foster care provider,
 60 5 and appropriate services to support the child are available in
 60 6 the family foster care placement. The determination shall be
 60 7 made in coordination with the child's family, department
 60 8 staff, and other persons involved with decision making for the
 60 9 child's out-of-home placement.
 60 10 Sec. 47. 2006 Iowa Acts, chapter 1123, section 1, is
 60 11 amended by adding the following new subsection:
 60 12 NEW SUBSECTION. 5A. OTHER PROVISIONS.
 60 13 a. The pilot project provisions shall allow children who
 60 14 are voluntarily placed in a psychiatric institution to
 60 15 participate in the pilot project.
 60 16 b. The pilot project shall allow exceptions to allow more
 60 17 than two children to be placed in a pilot project home if
 60 18 deemed appropriate in order to keep siblings together or for
 60 19 other good cause.
 60 20 Sec. 48. 2006 Iowa Acts, chapter 1184, section 2,
 60 21 subsection 1, is amended to read as follows:
 60 22 1. ADDICTIVE DISORDERS
 60 23 For reducing the prevalence of use of tobacco, alcohol, and
 60 24 other drugs, and treating individuals affected by addictive
 60 25 behaviors, including gambling, and for not more than the
 60 26 following full-time equivalent positions:
 60 27 \$ ~~1,761,036~~
 60 28 2,443,036
 60 29 FTEs 4.35
 60 30 The department and any grantee or subgrantee of the
 60 31 department shall not discriminate against a nongovernmental
 60 32 organization that provides substance abuse treatment and
 60 33 prevention services or applies for funding to provide those

60 34 services on the basis that the organization has a religious
60 35 character.

61 1 Of the ~~moneys~~ funds appropriated in this subsection,
61 2 \$30,310 shall be used to continue to provide funding to local
61 3 communities that have previously received funding from the
61 4 centers for disease control and prevention of the United
61 5 States department of health and human services for secondhand
61 6 smoke education initiatives.

61 7 Of the funds appropriated in this subsection, \$500,000
61 8 shall be used as additional funding for tobacco cessation
61 9 direct services and \$182,000 shall be used for other tobacco
61 10 use prevention, cessation, and treatment activities pursuant
61 11 to chapter 142A.

61 12 Notwithstanding section 8.33, moneys appropriated in this
61 13 subsection that remain unencumbered or unobligated at the
61 14 close of the fiscal year shall not revert but shall remain
61 15 available for expenditure in the succeeding fiscal year.

61 16 Sec. 49. 2006 Iowa Acts, chapter 1184, section 5,
61 17 subsection 1, is amended by adding the following new
61 18 unnumbered paragraph:

61 19 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33,
61 20 moneys appropriated in this section for department of veterans
61 21 affairs administration that remain unencumbered or unobligated
61 22 at the close of the fiscal year shall not revert but shall
61 23 remain available to be used for the purchase of crypts for the
61 24 veterans cemetery until the close of the succeeding fiscal
61 25 year.

61 26 Sec. 50. 2006 Iowa Acts, chapter 1184, section 5,
61 27 subsection 2, is amended by adding the following new
61 28 unnumbered paragraph:

61 29 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33 and
61 30 section 35D.18, subsection 5, moneys appropriated in this
61 31 subsection that remain unencumbered or unobligated at the
61 32 close of the fiscal year shall not revert but shall remain
61 33 available for expenditure in succeeding fiscal years. Of the
61 34 amount remaining available for expenditure under this
61 35 paragraph, the first \$1,000,000 shall be used for Iowa
62 1 veterans home operations in the immediately succeeding fiscal
62 2 year, and the balance shall be transferred to the
62 3 appropriation made in 2006 Iowa Acts, chapter 1179, section
62 4 16, subsection 12, for the fiscal year beginning July 1, 2006,
62 5 to be used for purposes of capital improvements, renovations,
62 6 or new construction at the Iowa veterans home.

62 7 Sec. 51. 2006 Iowa Acts, chapter 1184, section 6,
62 8 subsection 7, is amended to read as follows:

62 9 7. For state child care assistance:

62 10 \$ ~~15,756,560~~
62 11 16,756,560

62 12 a. Of the funds appropriated in this subsection, \$200,000
62 13 shall be used for provision of educational opportunities to
62 14 registered child care home providers in order to improve
62 15 services and programs offered by this category of providers
62 16 and to increase the number of providers. The department may
62 17 contract with institutions of higher education or child care
62 18 resource and referral centers to provide the educational
62 19 opportunities. Allowable administrative costs under the
62 20 contracts shall not exceed 5 percent. The application for a
62 21 grant shall not exceed two pages in length.

62 22 b. The funds appropriated in this subsection shall be
62 23 transferred to the child care and development block grant
62 24 appropriation.

62 25 Notwithstanding section 8.33, moneys appropriated in this
62 26 subsection that remain unencumbered or unobligated at the
62 27 close of the fiscal year shall not revert but shall remain
62 28 available for expenditure for the purposes designated until
62 29 the close of the succeeding fiscal year.

62 30 Sec. 52. 2006 Iowa Acts, chapter 1184, section 7,
62 31 subsection 5, is amended to read as follows:

62 32 5. Of the child support collections assigned under FIP, an
62 33 amount equal to the federal share of support collections shall
62 34 be credited to the child support recovery appropriation. Of
62 35 the remainder of the assigned child support collections
63 1 received by the child support recovery unit, a portion shall
63 2 be credited to the FIP account and a portion may be used to
63 3 increase recoveries. If child support collections assigned
63 4 under FIP are greater than estimated or are otherwise
63 5 determined not to be required for maintenance of effort, the
63 6 state share of ~~that greater portion~~ either amount may be
63 7 transferred to or retained in the child support payments
63 8 account.

63 9 Sec. 53. 2006 Iowa Acts, chapter 1184, section 9, is

63 10 amended by adding the following new subsection:
 63 11 NEW SUBSECTION. 3. Notwithstanding section 8.33, moneys
 63 12 appropriated in this section that remain unencumbered or
 63 13 unobligated at the close of the fiscal year shall not revert
 63 14 but shall remain available for expenditure for the purposes
 63 15 designated until the close of the succeeding fiscal year.
 63 16 Sec. 54. 2006 Iowa Acts, chapter 1184, section 10,
 63 17 unnumbered paragraph 2, is amended to read as follows:
 63 18 For medical assistance reimbursement and associated costs
 63 19 as specifically provided in the reimbursement methodologies in
 63 20 effect on June 30, 2006, except as otherwise expressly
 63 21 authorized by law, including reimbursement for abortion
 63 22 services, which shall be available under the medical
 63 23 assistance program only for those abortions which are
 63 24 medically necessary:
 63 25 \$652,311,610
 63 26 664,311,610
 63 27 Sec. 55. 2006 Iowa Acts, chapter 1184, section 13, is
 63 28 amended by adding the following new subsection:
 63 29 NEW SUBSECTION. 4. Notwithstanding section 8.33, up to
 63 30 \$1,100,000 of the moneys appropriated in this section that
 63 31 remain unencumbered or unobligated at the close of the fiscal
 63 32 year shall not revert but shall remain available for
 63 33 expenditure for the purposes designated until the close of the
 63 34 succeeding fiscal year.
 63 35 Sec. 56. 2006 Iowa Acts, chapter 1184, section 15, is
 64 1 amended by adding the following new subsection:
 64 2 NEW SUBSECTION. 8. Notwithstanding section 8.33, moneys
 64 3 appropriated in this section that remain unencumbered or
 64 4 unobligated at the close of the fiscal year shall not revert
 64 5 to any fund but shall remain available for expenditure for the
 64 6 purposes designated until the close of the succeeding fiscal
 64 7 year.
 64 8 Sec. 57. 2006 Iowa Acts, chapter 1184, section 17,
 64 9 subsection 16, is amended by adding the following new
 64 10 unnumbered paragraph:
 64 11 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33,
 64 12 moneys appropriated in this subsection that remain
 64 13 unencumbered or unobligated at the close of the fiscal year
 64 14 shall not revert but shall remain available for expenditure
 64 15 for the purposes designated until the close of the succeeding
 64 16 fiscal year.
 64 17 Sec. 58. 2006 Iowa Acts, chapter 1184, section 18, is
 64 18 amended by adding the following new subsection:
 64 19 NEW SUBSECTION. 4. Notwithstanding section 8.33, up to
 64 20 \$2,000,000 of the moneys appropriated in this section that
 64 21 remain unencumbered or unobligated at the close of the fiscal
 64 22 year shall not revert but shall remain available for
 64 23 expenditure for the purposes designated until the close of the
 64 24 succeeding fiscal year.
 64 25 Sec. 59. 2006 Iowa Acts, chapter 1184, section 23, is
 64 26 amended by adding the following new subsection:
 64 27 NEW SUBSECTION. 7. a. Notwithstanding sections 8.33 and
 64 28 222.92, of the revenues available to the state resource
 64 29 centers that remain unencumbered or unobligated at the close
 64 30 of the fiscal year, the indicated amounts shall not revert but
 64 31 shall remain available for expenditure for the purposes
 64 32 designated until the close of the succeeding fiscal year:
 64 33 (1) For the state resource center at Glenwood, \$1,000,000.
 64 34 (2) For the state resource center at Woodward, \$1,000,000.
 64 35 b. Of the amounts designated in paragraph "a", the amounts
 65 1 above \$750,000 at each resource center shall be used to
 65 2 continue the procurement and installation of the electronic
 65 3 medical records system initiated in the fiscal year beginning
 65 4 July 1, 2005.
 65 5 Sec. 60. 2006 Iowa Acts, chapter 1184, section 24, is
 65 6 amended by adding the following new subsection:
 65 7 NEW SUBSECTION. 3. Notwithstanding section 8.33, moneys
 65 8 appropriated in this section that remain unencumbered or
 65 9 unobligated at the close of the fiscal year shall not revert
 65 10 but shall remain available for expenditure for the purposes
 65 11 designated until the close of the succeeding fiscal year.
 65 12 Sec. 61. 2006 Iowa Acts, chapter 1184, section 27, is
 65 13 amended by adding the following new unnumbered paragraph:
 65 14 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33, up
 65 15 to \$1,850,000 of the moneys appropriated in this section that
 65 16 remain unencumbered or unobligated at the close of the fiscal
 65 17 year shall not revert but shall remain available for
 65 18 expenditure until the close of the succeeding fiscal year. Of
 65 19 this amount, \$350,000 shall be used to supplement other
 65 20 funding to reduce the waiting list for the children's mental

65 21 health home and community-based services waiver.
65 22 Sec. 62. 2006 Iowa Acts, chapter 1184, section 28, is
65 23 amended by adding the following new subsection:
65 24 NEW SUBSECTION. 4. Notwithstanding section 8.33, federal
65 25 food stamp assistance award funds the department receives
65 26 during the fiscal year beginning July 1, 2006, that remain
65 27 unencumbered or unobligated at the close of the fiscal year,
65 28 shall not revert to any other fund but shall remain available
65 29 for expenditure to continue projects to increase access,
65 30 assure accuracy, avoid federal error rate sanctions, and
65 31 improve customer service, until the close of the succeeding
65 32 fiscal year. In addition, notwithstanding section 8.33,
65 33 moneys appropriated in this section that remain unencumbered
65 34 or unobligated at the close of the fiscal year shall not
65 35 revert but shall remain available for expenditure for the
66 1 purposes designated until the close of the succeeding fiscal
66 2 year and of this amount, the initial \$250,000 shall be
66 3 credited to the risk pool in the property tax relief fund.
66 4 Sec. 63. 2006 Iowa Acts, chapter 1184, section 60,
66 5 subsection 4, unnumbered paragraph 3, if enacted by 2007 Iowa
66 6 Acts, Senate File 403, section 12, is amended to read as
66 7 follows:

66 8 The amount appropriated in this subsection shall be
66 9 distributed only if ~~federal funds are available to match the~~
~~66 10 amount appropriated and expenses are incurred to serve the~~
~~66 11 IowaCare expansion population~~ expansion population claims
~~66 12 adjudicated and paid by the Iowa Medicaid enterprise exceed~~
~~66 13 the appropriation to the state board of regents for~~
~~66 14 distribution to the university of Iowa hospitals and clinics~~
~~66 15 provided in subsection 1. The amount appropriated in this~~
~~66 16 subsection shall be distributed monthly for expansion~~
~~66 17 population claims adjudicated and approved for payment by the~~
~~66 18 Iowa Medicaid enterprise using medical assistance program~~
~~66 19 reimbursement rates.~~

66 20 Sec. 64. 2006 Iowa Acts, chapter 1184, section 124, is
66 21 amended to read as follows:

66 22 SEC. 124. VETERANS TRUST FUND == FEDERAL REPLACEMENT
66 23 FUNDS. If funds are received from the United States
66 24 department of veterans affairs for the establishment and
66 25 operation of a veterans cemetery in this state, a portion of
66 26 those funds, not to exceed \$500,000, shall be credited to the
66 27 general fund of the state, and the remainder is appropriated
66 28 to and shall be deposited in the veterans trust fund
66 29 established in section 35A.13, subject to the requirements of
66 30 this section and consistent with any federal requirements
66 31 associated with such funds. The portion deposited in the
66 32 veterans trust fund shall be at least equal to moneys expended
66 33 for the establishment and operation of a veterans cemetery
66 34 from moneys appropriated for that purpose pursuant to 2004
66 35 Iowa Acts, chapter 1175, section 288, subsection 16.

67 1 Sec. 65. 2006 Iowa Acts, chapter 1185, section 34, is
67 2 amended by adding the following new unnumbered paragraph:
67 3 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33,
67 4 the moneys appropriated in this section for the county grant
67 5 program for veterans that remain unencumbered or unobligated
67 6 at the close of the fiscal year shall not revert but shall
67 7 remain available for expenditure for the purposes designated
67 8 until the close of the succeeding fiscal year. Of the amount
67 9 addressed in this paragraph, not more than \$150,000 shall be
67 10 used to employ persons to fill two administrative full-time
67 11 equivalent positions in the department of veterans affairs in
67 12 addition to the number of positions authorized for the
67 13 department. If one or both of the two positions are not
67 14 employed by October 1, 2007, the unused funding shall be
67 15 credited to the veterans trust fund on October 2, 2007.
67 16 Otherwise, any remainder from the amount addressed in this
67 17 paragraph that remains unencumbered or unobligated at the
67 18 close of the fiscal year shall not be credited to the fund
67 19 from which appropriated but shall be credited to the veterans
67 20 trust fund.

67 21 Sec. 66. 2006 Iowa Acts, chapter 1184, section 5,
67 22 subsection 4, as enacted by 2007 Iowa Acts, Senate File 95,
67 23 section 1, is amended by adding the following new unnumbered
67 24 paragraph:

67 25 NEW UNNUMBERED PARAGRAPH. If during the fiscal year
67 26 beginning July 1, 2007, the funding available under all
67 27 contingencies for the home ownership assistance program
67 28 implemented pursuant to section 35A.15 for persons who are or
67 29 were eligible members of the armed forces of the United States
67 30 has been exhausted, and the amount available for the purposes
67 31 of this subsection is projected to be sufficient to allow for

67 32 transfer of funds that would otherwise be unused, not more
67 33 than \$250,000 of the funds appropriated in this subsection may
67 34 be transferred to the Iowa finance authority to be used for
67 35 the home ownership assistance program.

68 1 Sec. 67. EFFECTIVE DATES. The following provisions of
68 2 this division of this Act, being deemed of immediate
68 3 importance, take effect upon enactment:

68 4 1. The provision under the appropriation for child and
68 5 family services, relating to requirements of section 232.143
68 6 for representatives of the department of human services and
68 7 juvenile court services to establish a plan for continuing
68 8 group foster care expenditures for the 2007=2008 fiscal year.

68 9 2. The provision making the appropriation from the general
68 10 fund of the state for the fiscal year beginning July 1, 2006,
68 11 and ending June 30, 2007, for the purpose of funding total
68 12 nursing facility budget expenditures including rebasing of the
68 13 case=mix nursing facility rates and noncase=mix nursing
68 14 facility=related expenditures, for expenditure after June 30,
68 15 2007.

68 16 3. The provision amending 2006 Iowa Acts, chapter 1184,
68 17 section 2, subsection 1.

68 18 4. The provisions amending 2006 Iowa Acts, chapter 1184,
68 19 section 5.

68 20 5. The provision amending 2006 Iowa Acts, chapter 1184,
68 21 section 6.

68 22 6. The provision amending 2006 Iowa Acts, chapter 1184,
68 23 section 7.

68 24 7. The provision amending 2006 Iowa Acts, chapter 1184,
68 25 section 9.

68 26 8. The provision amending 2006 Iowa Acts, chapter 1184,
68 27 section 10.

68 28 9. The provision amending 2006 Iowa Acts, chapter 1184,
68 29 section 13.

68 30 10. The provision amending 2006 Iowa Acts, chapter 1184,
68 31 section 15.

68 32 11. The provision amending 2006 Iowa Acts, chapter 1184,
68 33 section 17, subsection 16.

68 34 12. The provision amending 2006 Iowa Acts, chapter 1184,
68 35 section 18.

69 1 13. The provision amending 2006 Iowa Acts, chapter 1184,
69 2 section 23.

69 3 14. The provision amending 2006 Iowa Acts, chapter 1184,
69 4 section 24.

69 5 15. The provision amending 2006 Iowa Acts, chapter 1184,
69 6 section 27.

69 7 16. The provision amending 2006 Iowa Acts, chapter 1184,
69 8 section 28.

69 9 17. The provision amending 2006 Iowa Acts, chapter 1184,
69 10 section 60.

69 11 18. The provision amending 2006 Iowa Acts, chapter 1184,
69 12 section 124.

69 13 19. The provision amending 2006 Iowa Acts, chapter 1185,
69 14 section 34.

69 15
69 16 DIVISION II
69 17 SENIOR LIVING TRUST FUND,
69 18 PHARMACEUTICAL SETTLEMENT ACCOUNT,
69 19 IOWACARE ACCOUNT, AND HEALTH CARE
69 20 TRANSFORMATION ACCOUNT

69 21 Sec. 68. DEPARTMENT OF ELDER AFFAIRS. There is
69 22 appropriated from the senior living trust fund created in
69 23 section 249H.4 to the department of elder affairs for the
69 24 fiscal year beginning July 1, 2007, and ending June 30, 2008,
69 25 the following amount, or so much thereof as is necessary, to
69 26 be used for the purpose designated:

69 27 For the development and implementation of a comprehensive
69 28 senior living program, including case management only if the
69 29 monthly cost per client for case management for the frail
69 30 elderly services provided does not exceed an average of \$70,
69 31 and including program administration and costs associated with
69 32 implementation, salaries, support, maintenance, and
69 33 miscellaneous purposes and for not more than the following
69 34 full-time equivalent positions:

69 35 \$ 8,384,044
69 35 FTEs 3.00

70 1 1. Of the funds appropriated in this section, \$2,196,967
70 2 shall be used for case management for the frail elderly. Of
70 3 the funds allocated in this subsection, \$1,010,000 shall be
70 4 transferred to the department of human services in equal
70 5 amounts on a quarterly basis for reimbursement of case
70 6 management services provided under the medical assistance
70 7 elderly waiver. The monthly cost per client for case

70 8 management for the frail elderly services provided shall not
70 9 exceed an average of \$70.

70 10 2. Notwithstanding section 249H.7, the department of elder
70 11 affairs shall distribute up to \$400,000 of the funds
70 12 appropriated in this section in a manner that will supplement
70 13 and maximize federal funds under the federal Older Americans
70 14 Act and shall not use the amount distributed for any
70 15 administrative purposes of either the department of elder
70 16 affairs or the area agencies on aging.

70 17 3. Of the funds appropriated in this section, \$60,000
70 18 shall be used to provide dementia-specific education to direct
70 19 care workers and other providers of long-term care to enhance
70 20 existing or scheduled efforts through the Iowa caregivers
70 21 association, the Alzheimer's association, and other
70 22 organizations identified as appropriate by the department.

70 23 Sec. 69. DEPARTMENT OF INSPECTIONS AND APPEALS. There is
70 24 appropriated from the senior living trust fund created in
70 25 section 249H.4 to the department of inspections and appeals
70 26 for the fiscal year beginning July 1, 2007, and ending June
70 27 30, 2008, the following amount, or so much thereof as is
70 28 necessary, to be used for the purpose designated:

70 29 For the inspection and certification of assisted living
70 30 facilities and adult day care services, including program
70 31 administration and costs associated with implementation,
70 32 salaries, support, maintenance, and miscellaneous purposes and
70 33 for not more than the following full-time equivalent
70 34 positions:

70 35	\$	790,751
71 1	FTEs	5.00

71 2 If legislation is enacted by the Eighty-second General
71 3 Assembly, 2007 Session, transferring full responsibility for
71 4 the oversight of assisted living programs, adult day services
71 5 programs, and elder group homes from the department of elder
71 6 affairs to the department of inspections and appeals, the
71 7 appropriation in this section is increased by \$349,051 and the
71 8 number of full-time equivalent positions authorized is
71 9 increased by 2.50 full-time equivalent positions.

71 10 Sec. 70. DEPARTMENT OF HUMAN SERVICES. There is
71 11 appropriated from the senior living trust fund created in
71 12 section 249H.4 to the department of human services for the
71 13 fiscal year beginning July 1, 2007, and ending June 30, 2008,
71 14 the following amount, or so much thereof as is necessary, to
71 15 be used for the purpose designated:

71 16 To supplement the medical assistance appropriation,
71 17 including program administration and costs associated with
71 18 implementation, salaries, support, maintenance, and
71 19 miscellaneous purposes and for not more than the following
71 20 full-time equivalent positions:

71 21	\$	65,000,000
71 22	FTEs	5.00

71 23 In order to carry out the purposes of this section, the
71 24 department may transfer funds appropriated in this section to
71 25 supplement other appropriations made to the department of
71 26 human services.

71 27 Sec. 71. IOWA FINANCE AUTHORITY. There is appropriated
71 28 from the senior living trust fund created in section 249H.4 to
71 29 the Iowa finance authority for the fiscal year beginning July
71 30 1, 2007, and ending June 30, 2008, the following amount, or so
71 31 much thereof as is necessary, to be used for the purposes
71 32 designated:

71 33 To provide reimbursement for rent expenses to eligible
71 34 persons:

71 35	\$	700,000
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72 1 Participation in the rent subsidy program shall be limited
72 2 to only those persons who meet the requirements for the
72 3 nursing facility level of care for home and community-based
72 4 services waiver services as in effect on July 1, 2007.

72 5 Sec. 72. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is
72 6 appropriated from the pharmaceutical settlement account
72 7 created in section 249A.33 to the department of human services
72 8 for the fiscal year beginning July 1, 2007, and ending June
72 9 30, 2008, the following amount, or so much thereof as is
72 10 necessary, to be used for the purpose designated:

72 11 To supplement the appropriations made for medical contracts
72 12 under the medical assistance program:

72 13	\$	1,323,833
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72 14 Sec. 73. APPROPRIATIONS FROM IOWACARE ACCOUNT.

72 15 1. There is appropriated from the IowaCare account created
72 16 in section 249J.24 to the state board of regents for
72 17 distribution to the university of Iowa hospitals and clinics
72 18 for the fiscal year beginning July 1, 2007, and ending June

72 19 30, 2008, the following amount, or so much thereof as is
72 20 necessary, to be used for the purposes designated:
72 21 For salaries, support, maintenance, equipment, and
72 22 miscellaneous purposes, for the provision of medical and
72 23 surgical treatment of indigent patients, for provision of
72 24 services to members of the expansion population pursuant to
72 25 chapter 249J, and for medical education:
72 26 \$ 27,284,584
72 27 a. Funds appropriated in this subsection shall not be used
72 28 to perform abortions except medically necessary abortions, and
72 29 shall not be used to operate the early termination of
72 30 pregnancy clinic except for the performance of medically
72 31 necessary abortions. For the purpose of this subsection, an
72 32 abortion is the purposeful interruption of pregnancy with the
72 33 intention other than to produce a live-born infant or to
72 34 remove a dead fetus, and a medically necessary abortion is one
72 35 performed under one of the following conditions:
73 1 (1) The attending physician certifies that continuing the
73 2 pregnancy would endanger the life of the pregnant woman.
73 3 (2) The attending physician certifies that the fetus is
73 4 physically deformed, mentally deficient, or afflicted with a
73 5 congenital illness.
73 6 (3) The pregnancy is the result of a rape which is
73 7 reported within 45 days of the incident to a law enforcement
73 8 agency or public or private health agency which may include a
73 9 family physician.
73 10 (4) The pregnancy is the result of incest which is
73 11 reported within 150 days of the incident to a law enforcement
73 12 agency or public or private health agency which may include a
73 13 family physician.
73 14 (5) The abortion is a spontaneous abortion, commonly known
73 15 as a miscarriage, wherein not all of the products of
73 16 conception are expelled.
73 17 b. Notwithstanding any provision of law to the contrary,
73 18 the amount appropriated in this subsection shall be allocated
73 19 in twelve equal monthly payments as provided in section
73 20 249J.24.
73 21 2. There is appropriated from the IowaCare account created
73 22 in section 249J.24 to the state board of regents for
73 23 distribution to the university of Iowa hospitals and clinics
73 24 for the fiscal year beginning July 1, 2007, and ending June
73 25 30, 2008, the following amount, or so much thereof as is
73 26 necessary, to be used for the purposes designated:
73 27 For salaries, support, maintenance, equipment, and
73 28 miscellaneous purposes, for the provision of medical and
73 29 surgical treatment of indigent patients, for provision of
73 30 services to members of the expansion population pursuant to
73 31 chapter 249J, and for medical education:
73 32 \$ 10,000,000
73 33 The amount appropriated in this subsection shall be
73 34 distributed only if expansion population claims adjudicated
73 35 and paid by the Iowa Medicaid enterprise exceed the
74 1 appropriation to the state board of regents for distribution
74 2 to the university of Iowa hospitals and clinics provided in
74 3 subsection 1. The amount appropriated in this subsection
74 4 shall be distributed monthly for expansion population claims
74 5 adjudicated and approved for payment by the Iowa Medicaid
74 6 enterprise using medical assistance program reimbursement
74 7 rates.
74 8 3. There is appropriated from the IowaCare account created
74 9 in section 249J.24 to the department of human services for the
74 10 fiscal year beginning July 1, 2007, and ending June 30, 2008,
74 11 the following amount, or so much thereof as is necessary, to
74 12 be used for the purposes designated:
74 13 For distribution to a publicly owned acute care teaching
74 14 hospital located in a county with a population over three
74 15 hundred fifty thousand for the provision of medical and
74 16 surgical treatment of indigent patients, for provision of
74 17 services to members of the expansion population pursuant to
74 18 chapter 249J, and for medical education:
74 19 \$ 40,000,000
74 20 Notwithstanding any provision of law to the contrary, the
74 21 amount appropriated in this subsection shall be allocated in
74 22 twelve equal monthly payments as provided in section 249J.24.
74 23 Any amount appropriated in this subsection in excess of
74 24 \$37,000,000 shall be allocated only if federal funds are
74 25 available to match the amount allocated.
74 26 4. There is appropriated from the IowaCare account created
74 27 in section 249J.24 to the department of human services for the
74 28 fiscal year beginning July 1, 2007, and ending June 30, 2008,
74 29 the following amounts, or so much thereof as is necessary, to

74 30 be used for the purposes designated:
 74 31 a. For the state mental health institute at Cherokee, for
 74 32 salaries, support, maintenance, and miscellaneous purposes,
 74 33 including services to members of the expansion population
 74 34 pursuant to chapter 249J:
 74 35 \$ 9,098,425
 75 1 b. For the state mental health institute at Clarinda, for
 75 2 salaries, support, maintenance, and miscellaneous purposes,
 75 3 including services to members of the expansion population
 75 4 pursuant to chapter 249J:
 75 5 \$ 1,977,305
 75 6 c. For the state mental health institute at Independence,
 75 7 for salaries, support, maintenance, and miscellaneous
 75 8 purposes, including services to members of the expansion
 75 9 population pursuant to chapter 249J:
 75 10 \$ 9,045,894
 75 11 d. For the state mental health institute at Mount
 75 12 Pleasant, for salaries, support, maintenance, and
 75 13 miscellaneous purposes, including services to members of the
 75 14 expansion population pursuant to chapter 249J:
 75 15 \$ 5,752,587
 75 16 Sec. 74. APPROPRIATIONS FROM ACCOUNT FOR HEALTH CARE
 75 17 TRANSFORMATION. There is appropriated from the account for
 75 18 health care transformation created in section 249J.23, to the
 75 19 department of human services, for the fiscal year beginning
 75 20 July 1, 2007, and ending June 30, 2008, the following amounts,
 75 21 or so much thereof as is necessary, to be used for the
 75 22 purposes designated:
 75 23 1. For the costs of medical examinations and development
 75 24 of personal health improvement plans for the expansion
 75 25 population pursuant to section 249J.6:
 75 26 \$ 556,800
 75 27 2. For the provision of a medical information hotline for
 75 28 the expansion population as provided in section 249J.6:
 75 29 \$ 150,000
 75 30 3. For the mental health transformation pilot program:
 75 31 \$ 250,000
 75 32 4. For other health promotion partnership activities
 75 33 pursuant to section 249J.14:
 75 34 \$ 550,000
 75 35 5. For the costs related to audits, performance
 76 1 evaluations, and studies required pursuant to chapter 249J:
 76 2 \$ 400,000
 76 3 6. For administrative costs associated with chapter 249J:
 76 4 \$ 930,352
 76 5 7. For planning and development, in cooperation with the
 76 6 department of public health, of a phased-in program to provide
 76 7 a dental home for children:
 76 8 \$ 1,186,475
 76 9 The department shall issue a request for proposals for a
 76 10 performance-based contract to implement the dental home for
 76 11 children and shall apply for any waivers from the centers for
 76 12 Medicare and Medicaid services of the United States department
 76 13 of health and human services, as necessary, to pursue a
 76 14 phased-in approach. The department shall submit progress
 76 15 reports regarding the planning and development of the dental
 76 16 home for children to the medical assistance projections and
 76 17 assessment council on a periodic basis.
 76 18 Notwithstanding section 8.39, subsection 1, without the
 76 19 prior written consent and approval of the governor and the
 76 20 director of the department of management, the director of
 76 21 human services may transfer funds among the appropriations
 76 22 made in this section, as necessary to carry out the purposes
 76 23 of the account for health care transformation. The department
 76 24 shall report any transfers made pursuant to this section to
 76 25 the legislative services agency.
 76 26 Sec. 75. TRANSFER FROM ACCOUNT FOR HEALTH CARE
 76 27 TRANSFORMATION. There is transferred from the account for
 76 28 health care transformation created pursuant to section
 76 29 249J.23, to the IowaCare account created in section 249J.24, a
 76 30 total of \$5,000,000 for the fiscal year beginning July 1,
 76 31 2007, and ending June 30, 2008.
 76 32 Sec. 76. MEDICAL ASSISTANCE PROGRAM == REVERSION TO SENIOR
 76 33 LIVING TRUST FUND FOR FY 2007=2008. Notwithstanding section
 76 34 8.33, if moneys appropriated for purposes of the medical
 76 35 assistance program for the fiscal year beginning July 1, 2007,
 77 1 and ending June 30, 2008, from the general fund of the state,
 77 2 the senior living trust fund, the healthy Iowans tobacco trust
 77 3 fund, and the health care trust fund are in excess of actual
 77 4 expenditures for the medical assistance program and remain
 77 5 unencumbered or unobligated at the close of the fiscal year,

77 6 the excess moneys shall not revert but shall be transferred to
77 7 the senior living trust fund created in section 249H.4.

77 8 DIVISION III
77 9 MH/MR/DD/BI SERVICES
77 10 ALLOWED GROWTH FUNDING ==
77 11 FY 2007=2008

77 12 Sec. 77. Section 225C.7, subsection 2, Code 2007, is
77 13 amended to read as follows:

77 14 2. Moneys appropriated to the fund shall be allocated to
77 15 counties for funding of community-based mental health, mental
77 16 retardation, developmental disabilities, and brain injury
77 17 services in the manner provided in the appropriation to the
77 18 fund. If the allocation methodology includes a population
77 19 factor, the most recent population estimates issued by the
77 20 United States bureau of the census shall be applied.

77 21 Sec. 78. Section 331.438, subsection 1, paragraph b, Code
77 22 2007, is amended by striking the paragraph.

77 23 Sec. 79. Section 331.438, subsection 2, Code 2007, is
77 24 amended to read as follows:

77 25 2. ~~a.~~ A state payment to a county for a fiscal year shall
77 26 consist of the sum of the state funding the county is eligible
77 27 to receive from the property tax relief fund in accordance
77 28 with section 426B.2 plus the county's portion of state funds
77 29 appropriated for the allowed growth factor adjustment
77 30 established by the general assembly under section 331.439,
77 31 subsection 3, and paid from the allowed growth funding pool in
77 32 accordance with section 426B.5.

~~77 33 b. A county's portion of the allowed growth factor~~
~~77 34 adjustment appropriation for a fiscal year shall be determined~~
~~77 35 based upon the county's proportion of the state's general~~
~~78 1 population.~~

~~78 2 c. The department of human services shall provide for~~
~~78 3 payment of the amount due a county for the county's allowed~~
~~78 4 growth factor adjustment determined in accordance with this~~
~~78 5 subsection. The director of human services shall authorize~~
~~78 6 warrants payable to the county treasurer for the amounts due~~
~~78 7 and the warrants shall be mailed in January of each year. The~~
~~78 8 county treasurer shall credit the amount of the warrant to the~~
~~78 9 county's services fund created under section 331.424A.~~

~~78 10 d. Unless otherwise provided by law, in order to be~~
~~78 11 included in any distribution formula for the allowed growth~~
~~78 12 factor adjustment and to receive an allowed growth factor~~
~~78 13 adjustment payment, a county must levy seventy percent or more~~
~~78 14 of the maximum amount allowed for the county's services fund~~
~~78 15 for taxes due and payable in the fiscal year for which the~~
~~78 16 allowed growth factor adjustment is payable.~~

78 17 Sec. 80. Section 331.439, subsection 5, Code 2007, is
78 18 amended to read as follows:

78 19 5. a. A county shall implement the county's management
78 20 plan in a manner so as to provide adequate funding for the
78 21 entire fiscal year by budgeting for ninety=nine percent of the
78 22 funding anticipated to be available for the plan. A county
78 23 may expend all of the funding anticipated to be available for
78 24 the plan.

78 25 b. If a county determines that the county cannot provide
78 26 services in accordance with the county's management plan and
78 27 remain in compliance with the budgeting requirement of
78 28 paragraph "a" for the fiscal year, the county may implement a
78 29 waiting list for the services. The procedures for
78 30 establishing and applying a waiting list shall be specified in
78 31 the county's management plan. If a county implements a
78 32 waiting list for services, the county shall notify the
78 33 department of human services. The department shall maintain
78 34 on the department's internet website an up-to-date listing of
78 35 the counties that have implemented a waiting list and the
79 1 services affected by each waiting list.

79 2 Sec. 81. Section 331.440, subsection 4, as enacted by 2006
79 3 Iowa Acts, chapter 1115, section 17, is amended to read as
79 4 follows:

79 5 4. a. An application for services may be made through the
79 6 central point of coordination process of an adult person's
79 7 county of residence. Effective July 1, 2007, if an adult
79 8 person who is subject to a central point of coordination
79 9 process has legal settlement in another county, the central
79 10 point of coordination process functions relating to the
79 11 application shall be performed by the central point of
79 12 coordination process of the person's county of residence in
79 13 accordance with the county of residence's management plan
79 14 approved under section 331.439 and the person's county of
79 15 legal settlement is responsible for the cost of the services
79 16 or other support authorized at the rates reimbursed by the

79 17 county of residence.

79 18 b. The county of residence shall determine whether or not
79 19 the person's county of legal settlement has implemented a
79 20 waiting list in accordance with section 331.439, subsection 5.
79 21 If the person's county of legal settlement has implemented a
79 22 waiting list, the services or other support for the person
79 23 shall be authorized by the county of residence in accordance
79 24 with the county of legal settlement's waiting list provisions.

79 25 c. At the time services or other support are authorized,
79 26 the county of residence shall send the county of legal
79 27 settlement a copy of the authorization notice.

79 28 Sec. 82. Section 426B.5, subsection 1, Code 2007, is
79 29 amended to read as follows:

79 30 1. ~~PER CAPITA EXPENDITURE TARGET~~ ALLOWED GROWTH FUNDING
79 31 POOL.

79 32 a. ~~A per capita expenditure target~~ An allowed growth
79 33 funding pool is created in the property tax relief fund. The
79 34 pool shall consist of the moneys credited to the pool by law.

79 35 b. ~~A statewide per capita expenditure target amount is~~
80 1 ~~established. The statewide per capita expenditure target~~
80 2 ~~amount shall be equal to the one-hundredth percentile of all~~
80 3 ~~county per capita expenditures in the fiscal year beginning~~
80 4 ~~July 1, 1997, and ending June 30, 1998.~~

80 5 c. ~~b. Moneys available in the per capita expenditure~~
80 6 ~~allowed growth funding pool for a fiscal year are appropriated~~
80 7 ~~to the department of human services for distribution as~~
80 8 ~~provided in this subsection.~~

80 9 c. The first twelve million dollars credited to the
80 10 funding pool shall be allocated to counties based upon the
80 11 county's relative proportion of the state's general
80 12 population.

80 13 d. (1) The amount in the funding pool remaining after the
80 14 allocation made in paragraph "c" shall be distributed
80 15 allocated to those counties that meet all of the following
80 16 eligibility requirements:

80 17 (i) (a) The county is levying the maximum amount allowed
80 18 for the county's mental health, mental retardation, and
80 19 developmental disabilities services fund under section
80 20 331.424A for the fiscal year in which the funding is
80 21 distributed.

80 22 (2) ~~The county's per capita expenditure in the latest~~
80 23 ~~fiscal year for which the actual expenditure information is~~
80 24 ~~available is equal to or less than the statewide per capita~~
80 25 ~~expenditure target amount.~~

80 26 (3) ~~(b) In the latest fiscal year that commenced two~~
80 27 ~~years prior to the fiscal year of distribution reported in~~
80 28 ~~accordance with section 331.403, the county's mental health,~~
80 29 ~~mental retardation, and developmental disabilities services~~
80 30 ~~fund ending balance under generally accepted accounting~~
80 31 ~~principles was equal to or less than twenty-five percent of~~
80 32 ~~the county's actual gross expenditures for the that fiscal~~
80 33 ~~year that commenced two years prior to the fiscal year of~~
80 34 ~~distribution.~~

80 35 (4) ~~The county is in compliance with the filing date~~
81 1 ~~requirements under section 331.403.~~

81 2 d. (2) The distribution amount allocated to a county
81 3 receives from the moneys available in the pool under this
81 4 paragraph "d" shall be determined based upon the county's
81 5 proportion of the general population of the counties eligible
81 6 to receive moneys from the pool for that fiscal year.
81 7 ~~However, a county shall not receive moneys in excess of the~~
81 8 ~~amount which would cause the county's per capita expenditure~~
81 9 ~~to exceed the statewide per capita expenditure target.~~

81 10 e. In order to receive an allocation under this section, a
81 11 county must comply with the filing date requirements under
81 12 section 331.403. Moneys credited to the per capita
81 13 expenditure target allowed growth funding pool which remain
81 14 unobligated or unexpended at the close of a fiscal year shall
81 15 remain in the pool for distribution in the succeeding fiscal
81 16 year.

81 17 f. The most recent population estimates issued by the
81 18 United States bureau of the census shall be applied in
81 19 determining population for the purposes of this subsection.

81 20 e. g. The department of human services shall annually
81 21 calculate the amount of moneys due to eligible counties in
81 22 accordance with this subsection. The department shall
81 23 authorize the issuance of warrants payable to the county
81 24 treasurer for the amounts due and the warrants shall be issued
81 25 in January.

81 26 Sec. 83. 2006 Iowa Acts, chapter 1185, section 1, is
81 27 amended to read as follows:

81 28 SECTION 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND
81 29 DEVELOPMENTAL DISABILITIES ALLOWED GROWTH FACTOR ALLOCATIONS
81 30 == FISCAL YEAR 2007=2008.
81 31 1. There is appropriated from the general fund of the
81 32 state to the department of human services for the fiscal year
81 33 beginning July 1, 2007, and ending June 30, 2008, the
81 34 following amount, or so much thereof as is necessary, to be
81 35 used for the purpose designated:
82 1 For distribution to counties of the county mental health,
82 2 mental retardation, and developmental disabilities allowed
82 3 growth factor adjustment, as provided in this section in lieu
82 4 of the provisions of section 331.438, subsection 2, and
82 5 section 331.439, subsection 3, and chapter 426B:
82 6 \$ ~~43,287,141~~
82 7 36,888,041
82 8 1A. There is appropriated from the property tax relief
82 9 fund to the department of human services for the fiscal year
82 10 beginning July 1, 2007, and ending June 30, 2008, the
82 11 following amount, or so much thereof as is necessary, to be
82 12 used for the purposes designated:
82 13 For distribution to counties of the county mental health,
82 14 mental retardation, and developmental disabilities allowed
82 15 growth factor adjustment, as provided in this section in lieu
82 16 of the provisions of section 331.438, subsection 2, and
82 17 section 331.439, subsection 3, and chapter 426B:
82 18 \$ 7,592,099
82 19 1B. There is appropriated from the general fund of the
82 20 state to the department of human services for the fiscal year
82 21 beginning July 1, 2007, and ending June 30, 2008, the
82 22 following amount, or so much thereof as is necessary, to be
82 23 used for the purpose designated:
82 24 For distribution to counties that meet the requirements of
82 25 this subsection:
82 26 \$ 12,000,000
82 27 a. To be eligible to receive an allocation under this
82 28 subsection, a county must meet the following requirements:
82 29 (1) The county is levying for the maximum amount allowed
82 30 for the county's mental health, mental retardation, and
82 31 developmental disabilities services fund under section
82 32 331.424A for taxes due and payable in the fiscal year
82 33 beginning July 1, 2007, or the county is levying for at least
82 34 90 percent of the maximum amount allowed for the county's
82 35 services fund and that levy rate is more than \$2 per \$1,000 of
83 1 the assessed value of all taxable property in the county.
83 2 (2) In the fiscal year beginning July 1, 2006, the
83 3 county's mental health, mental retardation, and developmental
83 4 disabilities services fund ending balance under generally
83 5 accepted accounting principles was equal to or less than 15
83 6 percent of the county's actual gross expenditures for that
83 7 fiscal year.
83 8 b. A county's allocation of the amount appropriated in
83 9 this subsection shall be determined based upon the county's
83 10 proportion of the general population of the counties eligible
83 11 to receive an allocation under this subsection. The most
83 12 recent population estimates issued by the United States bureau
83 13 of the census shall be applied in determining population for
83 14 the purposes of this paragraph.
83 15 c. The allocations made pursuant to this subsection are
83 16 subject to the distribution provisions and withholding
83 17 requirements established in this section for the county mental
83 18 health, mental retardation, and developmental disabilities
83 19 allowed growth factor adjustment for the fiscal year beginning
83 20 July 1, 2007.
83 21 2. The funding appropriated in this section is the allowed
83 22 growth factor adjustment for fiscal year 2007=2008, and is
83 23 allocated as follows:
83 24 a. For distribution to counties for fiscal year 2007=2008
83 25 in accordance with the formula in section 331.438, subsection
83 26 2, paragraph "b":
83 27 \$ 12,000,000
83 28 b. a. For deposit in the ~~per capita expenditure target~~
83 29 ~~allowed growth funding~~ pool created in the property tax relief
83 30 fund and for distribution in accordance with section 426B.5,
83 31 subsection 1:
83 32 \$ ~~24,360,548~~
83 33 41,553,547
83 34 c. b. For deposit in the risk pool created in the
83 35 property tax relief fund and for distribution in accordance
84 1 with section 426B.5, subsection 2:
84 2 \$ 2,000,000
84 3

~~84 4 d. c. For expansion of services to persons with transfer~~
~~84 5 to the department of public health for the brain injury~~
~~84 6 services program in accordance with the law enacted by the~~
~~84 7 Eighty-first General Assembly, 2006 Session, as law providing~~
~~84 8 for such expansion of services to commence in the fiscal year~~
~~84 9 beginning July 1, 2006 section 135.22B:~~
84 10 \$ 4,926,593
84 11 2,926,593
84 12 ~~If 2006 Iowa Acts, House File 2772, is enacted by the~~
~~84 13 Eighty-first General Assembly, 2006 Session, the allocation~~
~~84 14 made in this lettered paragraph shall be transferred to the~~
~~84 15 Iowa department of public health to be used for the brain~~
~~84 16 injury services program created pursuant to that Act.~~
84 17 Sec. 84. 2006 Iowa Acts, chapter 1185, section 1, is
84 18 amended by adding the following new subsections:
84 19 NEW SUBSECTION. 3. The following formula amounts shall be
84 20 utilized only to calculate preliminary distribution amounts
84 21 for fiscal year 2007=2008 under this section by applying the
84 22 indicated formula provisions to the formula amounts and
84 23 producing a preliminary distribution total for each county:
84 24 a. For calculation of a distribution amount for eligible
84 25 counties from the allowed growth funding pool created in the
84 26 property tax relief fund in accordance with the requirements
84 27 in section 426B.5, subsection 1:
84 28 \$ 49,218,123
84 29 b. For calculation of a distribution amount for counties
84 30 from the mental health and developmental disabilities (MH/DD)
84 31 community services fund in accordance with the formula
84 32 provided in the appropriation made for the MH/DD community
84 33 services fund for the fiscal year beginning July 1, 2007:
84 34 \$ 17,727,890
84 35 NEW SUBSECTION. 4. After applying the applicable
85 1 statutory distribution formulas to the amounts indicated in
85 2 subsection 3 for purposes of producing preliminary
85 3 distribution totals, the department of human services shall
85 4 apply a withholding factor to adjust an eligible individual
85 5 county's preliminary distribution total. In order to be
85 6 eligible for a distribution under this section, a county must
85 7 be levying seventy percent or more of the maximum amount
85 8 allowed for the county's mental health, mental retardation,
85 9 and developmental disabilities services fund under section
85 10 331.424A for taxes due and payable in the fiscal year for
85 11 which the distribution is payable. An ending balance
85 12 percentage for each county shall be determined by expressing
85 13 the county's ending balance on a modified accrual basis under
85 14 generally accepted accounting principles for the fiscal year
85 15 beginning July 1, 2006, in the county's mental health, mental
85 16 retardation, and developmental disabilities services fund
85 17 created under section 331.424A, as a percentage of the
85 18 county's gross expenditures from that fund for that fiscal
85 19 year. If a county borrowed moneys for purposes of providing
85 20 services from the county's services fund on or before July 1,
85 21 2006, and the county's services fund ending balance for that
85 22 fiscal year includes the loan proceeds or an amount designated
85 23 in the county budget to service the loan for the borrowed
85 24 moneys, those amounts shall not be considered to be part of
85 25 the county's ending balance for purposes of calculating an
85 26 ending balance percentage under this subsection. The
85 27 withholding factor for a county shall be the following
85 28 applicable percent:
85 29 a. For an ending balance percentage of less than 5
85 30 percent, a withholding factor of 0 percent. In addition, a
85 31 county that is subject to this lettered paragraph shall
85 32 receive an inflation adjustment equal to 3 percent of the
85 33 gross expenditures reported for the county's services fund for
85 34 the fiscal year.
85 35 b. For an ending balance percentage of 5 or more but less
86 1 than 10 percent, a withholding factor of 0 percent. In
86 2 addition, a county that is subject to this lettered paragraph
86 3 shall receive an inflation adjustment equal to 2 percent of
86 4 the gross expenditures reported for the county's services fund
86 5 for the fiscal year.
86 6 c. For an ending balance percentage of 10 or more but less
86 7 than 25 percent, a withholding factor of 25 percent. However,
86 8 for counties with an ending balance percentage of 10 or more
86 9 but less than 15 percent, the amount withheld shall be limited
86 10 to the amount by which the county's ending balance was in
86 11 excess of the ending balance percentage of 10 percent.
86 12 d. For an ending balance percentage of 25 percent or more,
86 13 a withholding percentage of 100 percent.
86 14 NEW SUBSECTION. 5. The total withholding amounts applied

86 15 pursuant to subsection 4 shall be equal to a withholding
86 16 target amount of \$7,664,576. If the department of human
86 17 services determines that the amount to be withheld in
86 18 accordance with subsection 4 is not equal to the target
86 19 withholding amount, the department shall adjust the
86 20 withholding factors listed in subsection 4 as necessary to
86 21 achieve the target withholding amount. However, in making
86 22 such adjustments to the withholding factors, the department
86 23 shall strive to minimize changes to the withholding factors
86 24 for those ending balance percentage ranges that are lower than
86 25 others and shall not adjust the zero withholding factor or the
86 26 inflation adjustment percentage specified in subsection 4,
86 27 paragraph "a".

86 28 Sec. 85. MENTAL HEALTH PATIENT ADVOCATE STUDY. The
86 29 legislative council is requested to authorize a 2007
86 30 legislative interim study of the duties, responsibilities,
86 31 funding, and authority for the mental health patient advocates
86 32 appointed by the courts under chapter 229. The study
86 33 committee membership should include representatives of
86 34 counties, the judicial branch, mental health patient
86 35 advocates, and the department of human services. The study
87 1 should specifically identify the appropriate appointing
87 2 authority and funding source for the advocates in the study
87 3 recommendations.

87 4 Sec. 86. Section 331.440A, Code 2007, is repealed.

87 5 DIVISION IV
87 6 MH/MR/DD DATA REPORTING
87 7 == RISK POOL ASSISTANCE

87 8 Sec. 87. Section 225C.6A, subsection 2, paragraph c, Code
87 9 2007, is amended by adding the following new subparagraph:
87 10 NEW SUBPARAGRAPH. (3) Each county shall report to the
87 11 department annually on or before December 1, for the preceding
87 12 fiscal year the following information for each individual
87 13 served: demographic information, expenditure data, and data
87 14 concerning the services and other support provided to each
87 15 individual, as specified in administrative rule adopted by the
87 16 commission.

87 17 Sec. 88. Section 331.439, subsection 1, paragraph a, Code
87 18 2007, is amended to read as follows:

87 19 a. The county accurately reported by December 1 the
87 20 county's expenditures for mental health, mental retardation,
87 21 and developmental disabilities services and the information
87 22 required under section 225C.6A, subsection 2, paragraph "c",
87 23 for the previous fiscal year on forms prescribed by rules
87 24 adopted by the department of human services state commission.

87 25 Sec. 89. Section 426B.5, subsection 2, Code 2007, is
87 26 amended to read as follows:

87 27 2. RISK POOL.

87 28 a. For the purposes of this subsection, unless the context
87 29 otherwise requires,

87 30 ~~(1) "Net expenditure amount" means a county's gross~~
87 31 ~~expenditures from the services fund for a fiscal year as~~
87 32 ~~adjusted by subtracting all services fund revenues for that~~
87 33 ~~fiscal year that are received from a source other than~~
87 34 ~~property taxes, as calculated on a modified accrual basis.~~

87 35 ~~(2) "Services "services fund" means a county's mental~~
88 1 health, mental retardation, and developmental disabilities
88 2 services fund created in section 331.424A.

88 3 b. A risk pool is created in the property tax relief fund.
88 4 The pool shall consist of the moneys credited to the pool by
88 5 law.

88 6 c. A risk pool board is created. The board shall consist
88 7 of two county supervisors, two county auditors, a member of
88 8 the mental health, mental retardation, developmental
88 9 disabilities, and brain injury commission who is not a member
88 10 of a county board of supervisors, a member of the county
88 11 finance committee created in chapter 333A who is not an
88 12 elected official, a representative of a provider of mental
88 13 health or developmental disabilities services selected from
88 14 nominees submitted by the Iowa association of community
88 15 providers, and two central point of coordination process
88 16 administrators, all appointed by the governor, and one member
88 17 appointed by the director of human services. All members
88 18 appointed by the governor shall be subject to confirmation by
88 19 the senate. Members shall serve for three-year terms. A
88 20 vacancy shall be filled in the same manner as the original
88 21 appointment. Expenses and other costs of the risk pool board
88 22 members representing counties shall be paid by the county of
88 23 origin. Expenses and other costs of risk pool board members
88 24 who do not represent counties shall be paid from a source
88 25 determined by the governor. Staff assistance to the board

88 26 shall be provided by the department of human services and
88 27 counties. Actuarial expenses and other direct administrative
88 28 costs shall be charged to the pool.
88 29 d. ~~(1)~~ A county must apply to the risk pool board for
88 30 assistance from the risk pool on or before January 25 to ~~cover~~
~~88 31 an unanticipated net expenditure amount in excess of the~~
~~88 32 county's current fiscal year budgeted net expenditure amount~~
~~88 33 for the county's services fund.~~ The risk pool board shall
88 34 make its final decisions on or before February 25 regarding
88 35 acceptance or rejection of the applications for assistance and
89 1 the total amount accepted shall be considered obligated. ~~For~~
~~89 2 purposes of applying for risk pool assistance and for repaying~~
~~89 3 unused risk pool assistance, the current fiscal year budgeted~~
~~89 4 net expenditure amount shall be deemed to be the higher of~~
~~89 5 either the budgeted net expenditure amount in the management~~
~~89 6 plan approved under section 331.439 for the fiscal year in~~
~~89 7 which the application is made or the prior fiscal year's net~~
~~89 8 expenditure amount.~~
89 9 ~~(2)~~ e. Basic eligibility for risk pool assistance shall
89 10 require a projected net expenditure amount in excess of the
89 11 sum of one hundred five percent of the county's current fiscal
89 12 year budgeted net expenditure amount and any amount of the
89 13 county's prior fiscal year ending fund balance in excess of
89 14 twenty-five percent of the county's gross expenditures from
89 15 the services fund in the prior fiscal year. However, if a
89 16 county's services fund ending balance in the previous fiscal
89 17 year was less than ten percent of the amount of the county's
89 18 gross expenditures from the services fund for that fiscal year
89 19 and the county has a projected net expenditure amount for the
89 20 current fiscal year that is in excess of one hundred one
89 21 percent of the budgeted net expenditure amount for the current
89 22 fiscal year, the county shall be considered to have met the
89 23 basic eligibility requirement and is qualified for risk pool
89 24 assistance. requires that a county meet all of the following
89 25 conditions:
89 26 (1) The county is in compliance with the requirements of
89 27 section 331.439.
89 28 (2) The county levied the maximum amount allowed for the
89 29 county's services fund under section 331.424A for the fiscal
89 30 year of application for risk pool assistance.
89 31 (3) At the close of the fiscal year that immediately
89 32 preceded the fiscal year of application, the county's services
89 33 fund ending balance under generally accepted accounting
89 34 principles was equal to or less than twenty percent of the
89 35 county's actual gross expenditures for that fiscal year.
90 1 ~~(3)~~ f. The board shall review the fiscal year-end
90 2 financial records for all counties that are granted risk pool
90 3 assistance. If the board determines a county's actual need
90 4 for risk pool assistance was less than the amount of risk pool
90 5 assistance granted to the county, the county shall refund the
90 6 difference between the amount of assistance granted and the
90 7 actual need. The county shall submit the refund within thirty
90 8 days of receiving notice from the board. Refunds shall be
90 9 credited to the risk pool. The mental health, mental
90 10 retardation, developmental disabilities, and brain injury
90 11 commission shall adopt rules pursuant to chapter 17A providing
90 12 criteria for the purposes of this lettered paragraph and as
90 13 necessary to implement the other provisions of this
90 14 subsection.
90 15 ~~(4)~~ A county receiving risk pool assistance in a fiscal
90 16 year in which the county did not levy the maximum amount
90 17 allowed for the county's services fund under section 331.424A
90 18 shall be required to repay the risk pool assistance during the
90 19 two succeeding fiscal years. The repayment amount shall be
90 20 limited to the amount by which the actual amount levied was
90 21 less than the maximum amount allowed, with at least fifty
90 22 percent due in the first succeeding fiscal year and the
90 23 remainder due in the second succeeding fiscal year.
90 24 ~~(5)~~ g. The board shall determine application requirements
90 25 to ensure prudent use of risk pool assistance. The board may
90 26 accept or reject an application for assistance in whole or in
90 27 part. The decision of the board is final.
90 28 ~~(6)~~ h. The total amount of risk pool assistance shall be
90 29 limited to the amount available in the risk pool for a fiscal
90 30 year. If the total amount of eligible assistance exceeds the
90 31 amount available in the risk pool, the amount of assistance
90 32 paid shall be prorated among the counties eligible for
90 33 assistance. Moneys remaining unexpended or unobligated in the
90 34 risk pool following the risk pool board's decisions made
90 35 pursuant to subparagraph (1) shall be distributed to the
91 1 counties eligible to receive funding from the allowed growth

~~91 2 factor adjustment appropriation for the fiscal year using the~~
~~91 3 distribution methodology applicable to that appropriation.~~
~~91 4 Any unobligated balance in the risk pool at the close of a~~
~~91 5 fiscal year shall remain in the risk pool for distribution in~~
~~91 6 the succeeding fiscal year.~~
~~91 7 e. i. A county may apply for preapproval for risk pool~~
~~91 8 assistance based upon an individual who has an unanticipated~~
~~91 9 disability condition with an exceptional cost and the~~
~~91 10 individual is either new to the county's service system or the~~
~~91 11 individual's unanticipated disability condition is new to the~~
~~91 12 individual. A county may submit a preapproval application~~
~~91 13 beginning on July 1 for the fiscal year of submission and the~~
~~91 14 risk pool board shall notify the county of the risk pool~~
~~91 15 board's decision concerning the application within forty-five~~
~~91 16 days of receiving the application. Whether for a preapproval~~
~~91 17 or regular application, risk pool assistance shall only be~~
~~91 18 made available to address one or more of the following~~
~~91 19 circumstances:~~
~~91 20 (1) Continuing support for mandated services.~~
~~91 21 (2) Avoiding the need for reduction or elimination of~~
~~91 22 critical services when the reduction or elimination places~~
~~91 23 consumers' health or safety at risk.~~
~~91 24 (3) Avoiding the need for reduction or elimination of~~
~~91 25 critical emergency services when the reduction or elimination~~
~~91 26 places the public's health or safety at risk.~~
~~91 27 (4) Avoiding the need for reduction or elimination of the~~
~~91 28 services or other support provided to entire disability~~
~~91 29 populations.~~
~~91 30 (5) Avoiding the need for reduction or elimination of~~
~~91 31 services or other support that maintain consumers in a~~
~~91 32 community setting, creating a risk that the consumers would be~~
~~91 33 placed in more restrictive, higher cost settings.~~
~~91 34 f. j. The Subject to the amount available and obligated~~
~~91 35 from the risk pool for a fiscal year, the department of human~~
~~92 1 services shall annually calculate the amount of moneys due to~~
~~92 2 eligible counties in accordance with the board's decisions and~~
~~92 3 that amount is appropriated from the risk pool to the~~
~~92 4 department for payment of the moneys due. The department~~
~~92 5 shall authorize the issuance of warrants payable to the county~~
~~92 6 treasurer for the amounts due and the warrants shall be issued~~
~~92 7 before the close of the fiscal year.~~
~~92 8 g. k. On or before March 1 and September 1 of each fiscal~~
~~92 9 year, the department of human services shall provide the risk~~
~~92 10 pool board with a report of the financial condition of each~~
~~92 11 funding source administered by the board. The report shall~~
~~92 12 include but is not limited to an itemization of the funding~~
~~92 13 source's balances, types and amount of revenues credited, and~~
~~92 14 payees and payment amounts for the expenditures made from the~~
~~92 15 funding source during the reporting period.~~
~~92 16 l. If the board has made its decisions but has determined~~
~~92 17 that there are otherwise qualifying requests for risk pool~~
~~92 18 assistance that are beyond the amount available in the risk~~
~~92 19 pool fund for a fiscal year, the board shall compile a list of~~
~~92 20 such requests and the supporting information for the requests.~~
~~92 21 The list and information shall be submitted to the mental~~
~~92 22 health, mental retardation, developmental disabilities, and~~
~~92 23 brain injury commission, the department of human services, and~~
~~92 24 the general assembly.~~
~~92 25 Sec. 90. INFORMATION TECHNOLOGY. The department of human~~
~~92 26 services shall meet with the Iowa state association of~~
~~92 27 counties to develop a joint proposal addressing the~~
~~92 28 information technology needed for counties to comply with the~~
~~92 29 data reporting requirements applicable under this division.~~
~~92 30 The joint proposal shall be submitted to the chairpersons and~~
~~92 31 ranking members of the general assembly's committees on human~~
~~92 32 resources and the joint appropriations subcommittee on health~~
~~92 33 and human services by November 15, 2007.~~
~~92 34 Sec. 91. EMERGENCY RULES. The mental health, mental~~
~~92 35 retardation, developmental disabilities, and brain injury~~
~~93 1 commission may adopt administrative rules under section 17A.4,~~
~~93 2 subsection 2, and section 17A.5, subsection 2, paragraph "b",~~
~~93 3 to implement the provisions of this division of this Act and~~
~~93 4 the rules shall become effective immediately upon filing or on~~
~~93 5 a later effective date specified in the rules, unless the~~
~~93 6 effective date is delayed by the administrative rules review~~
~~93 7 committee. Any rules adopted in accordance with this section~~
~~93 8 shall not take effect before the rules are reviewed by the~~
~~93 9 administrative rules review committee. The delay authority~~
~~93 10 provided to the administrative rules review committee under~~
~~93 11 section 17A.4, subsection 5, and section 17A.8, subsection 9,~~
~~93 12 shall be applicable to a delay imposed under this section,~~

93 13 notwithstanding a provision in those sections making them
93 14 inapplicable to section 17A.5, subsection 2, paragraph "b".
93 15 Any rules adopted in accordance with the provisions of this
93 16 section shall also be published as notice of intended action
93 17 as provided in section 17A.4.
93 18 Sec. 92. EFFECTIVE DATE == RETROACTIVE APPLICABILITY.
93 19 This division of this Act, being deemed of immediate
93 20 importance, takes effect upon enactment and is retroactively
93 21 applicable to December 1, 2006, and is applicable on and after
93 22 that date for information collected by a county as of that
93 23 date. A county that has not submitted the data specified in
93 24 section 225C.6A for the preceding fiscal year as of the
93 25 effective date of this division, shall submit the data within
93 26 twenty-five business days of the effective date of the rules
93 27 adopted to implement the provisions of this division. Unless
93 28 the department approves an exception for good cause, if a
93 29 county does not submit the data specified within the required
93 30 time period, the county is subject to withholding of the
93 31 county's state payment for property tax relief and allowed
93 32 growth factor adjustment for the fiscal year beginning July 1,
93 33 2007.

93 34 DIVISION V

93 35 MENTAL HEALTH SERVICES SYSTEM IMPROVEMENT

94 1 Sec. 93. NEW SECTION. 225C.6B MENTAL HEALTH SERVICES
94 2 SYSTEM IMPROVEMENT == LEGISLATIVE INTENT == PLANNING AND
94 3 IMPLEMENTATION.

94 4 1. INTENT.

94 5 a. The general assembly intends for the state to implement
94 6 a comprehensive, continuous, and integrated state mental
94 7 health services plan in accordance with the requirements of
94 8 sections 225C.4 and 225C.6 and other provisions of this
94 9 chapter, by increasing the department's responsibilities in
94 10 the development, funding, oversight, and ongoing leadership of
94 11 mental health services in this state.

94 12 b. In order to further the purposes listed in sections
94 13 225C.1 and 225C.27 and in other provisions of this chapter,
94 14 the general assembly intends that efforts focus on the goal of
94 15 making available a comprehensive array of high-quality,
94 16 evidence-based consumer and family-centered mental health
94 17 services and other support in the least restrictive,
94 18 community-based setting appropriate for a consumer.

94 19 c. In addition, it is the intent of the general assembly
94 20 to promote policies and practices that achieve for consumers
94 21 the earliest possible detection of mental health problems and
94 22 early intervention; to stress that all health care programs
94 23 address mental health disorders with the same urgency as
94 24 physical health disorders; to promote the policies of all
94 25 public programs that serve adults and children with mental
94 26 disorders, including but not limited to child welfare,
94 27 Medicaid, education, housing, criminal and juvenile justice,
94 28 substance abuse treatment, and employment services; to
94 29 consider the special mental health needs of adults and
94 30 children; and to promote recovery and resiliency as expected
94 31 outcomes for all consumers.

94 32 2. PLANNING AND IMPLEMENTATION. In order to build upon
94 33 the partnership between the state and counties in providing
94 34 mental health and disability services in the state, the
94 35 workgroups established for purposes of this subsection shall
95 1 engage equal proportions representing the department,
95 2 counties, and service providers. The county and provider
95 3 representatives shall be appointed by the statewide
95 4 associations representing counties and community providers.
95 5 In addition, each workgroup shall include a representative of
95 6 the commission, the mental health planning and advisory
95 7 council, consumers, and a statewide advocacy organization. A
95 8 workgroup shall be established for each of the following tasks
95 9 provided for in this subsection: alternative distribution
95 10 formulas, community mental health center plan, core mental
95 11 health services, and the two comprehensive plan items. The
95 12 division shall perform all of the following tasks in taking
95 13 steps to improve the mental health services system for adults
95 14 and children in this state:

95 15 a. ALTERNATIVE DISTRIBUTION FORMULAS. Identify
95 16 alternative formulas for distributing mental health, mental
95 17 retardation, and developmental disabilities allowed growth
95 18 factor adjustment funding to counties. The alternative
95 19 formulas shall provide methodologies that, as compared to the
95 20 current methodologies, are more readily understood, better
95 21 reflect the needs for services, respond to utilization
95 22 patterns, acknowledge historical county spending, and address
95 23 disparities in funding and service availability. The formulas

95 24 shall serve to strengthen the partnership between the
95 25 department and counties in the state's services system. The
95 26 division may engage assistance from expert consultants with
95 27 experience with funding allocation systems as necessary to
95 28 evaluate options. The department shall report with findings
95 29 and recommendations to the commission on or before November 1,
95 30 2007, and shall review and make recommendations to the
95 31 department on or before December 1, 2007. The department
95 32 shall submit the final report to the chairpersons and ranking
95 33 members of the general assembly's committees on human
95 34 resources and the joint appropriations subcommittee on health
95 35 and human services, and to associated legislative staff, on or
96 1 before January 31, 2008.

96 2 b. COMMUNITY MENTAL HEALTH CENTER PLAN. Prepare a phased
96 3 plan for increasing state responsibility for and oversight of
96 4 mental health services provided by community mental health
96 5 centers and the providers approved to fill the role of a
96 6 center. The plan shall provide for an initial implementation
96 7 date of July 1, 2008. The plan shall be submitted to the
96 8 commission on or before October 1, 2007. The commission shall
96 9 review the plan and provide comments to the department on or
96 10 before November 1, 2007. The plan shall be submitted to the
96 11 governor and general assembly on or before January 31, 2008.
96 12 The department shall ensure that key stakeholders are engaged
96 13 in the planning process, including but not limited to the
96 14 commission, mental health services providers, individuals with
96 15 expertise in the delivery of mental health services, youth and
96 16 adult consumers, family members of consumers, advocacy
96 17 organizations, and counties.

96 18 c. CORE MENTAL HEALTH SERVICES. Identify core mental
96 19 health services to be offered in each area of the state by
96 20 community mental health centers and core services agency
96 21 providers. The workgroup for this task shall be established
96 22 no later than August 1, 2007. The core services shall be
96 23 designed to address the needs of target populations identified
96 24 by the workgroup and the services may include but are not
96 25 limited to emergency services, school-based mental health
96 26 services, short-term counseling, prescreening for those
96 27 subject to involuntary treatment orders, and evidence-based
96 28 practices. The division shall submit to the commission on or
96 29 before October 1, 2007, proposed administrative rules and
96 30 legislation to amend chapter 230A as necessary to implement
96 31 the core services beginning July 1, 2008. The commission
96 32 shall review and revise the proposed administrative rules and
96 33 shall adopt the administrative rules after the general
96 34 assembly has reviewed and approved the proposal. The
96 35 proposals shall be submitted to the general assembly for
97 1 review on or before January 31, 2008.

97 2 d. MENTAL HEALTH AND CORE SERVICE AGENCY STANDARDS AND
97 3 ACCREDITATION. Identify standards for accreditation of core
97 4 services agencies that are not a community mental health
97 5 center but may serve as a provider approved to fill the role
97 6 of a center. Such core services agencies could be approved to
97 7 provide core mental health services for children and adults on
97 8 a regional basis. The standards shall be submitted to the
97 9 commission for review and recommendation on or before December
97 10 1, 2007, and to the governor and general assembly on or before
97 11 January 31, 2008.

97 12 e. CO-OCCURRING DISORDERS. The division and the
97 13 department of public health shall give priority to the efforts
97 14 underway to develop an implementation plan for addressing
97 15 co-occurring mental health and substance abuse disorders in
97 16 order to establish a comprehensive, continuous, and integrated
97 17 system of care for such disorders. The division and the
97 18 department of public health shall participate in a policy
97 19 academy on co-occurring mental health and substance abuse
97 20 disorders as part of developing an implementation plan for
97 21 commission review by April 1, 2008. The commission shall
97 22 review and make recommendations on the plan on or before May
97 23 1, 2008. The plan shall then be submitted to the governor and
97 24 general assembly on or before June 1, 2008. The division may
97 25 engage experts in the field of co-occurring mental health and
97 26 substance abuse disorders to facilitate this planning process.

97 27 f. EVIDENCE-BASED PRACTICES. Begin phased implementation
97 28 of evidence-based practices for mental health services over a
97 29 period of several years.

97 30 (1) Not later than October 1, 2007, in order to provide a
97 31 reasonable timeline for the implementation of evidence-based
97 32 practices with mental health and disability services
97 33 providers, the division shall provide for implementation of
97 34 two adult and two children evidence-based practices per year

97 35 over a three-year period.

98 1 (2) The division shall develop a comprehensive training
98 2 program concerning such practices for community mental health
98 3 centers, state resource centers and mental health institutes,
98 4 and other providers, in collaboration with the Iowa consortium
98 5 for mental health and mental health service providers. The
98 6 division shall consult with experts on behavioral health
98 7 workforce development regarding implementation of the mental
98 8 health and disability services training and the curriculum and
98 9 training opportunities offered.

98 10 (3) The department shall apply measures to ensure
98 11 appropriate reimbursement is available to all providers for
98 12 the implementation of mandated evidence-based practices and
98 13 request appropriate funding for evidence-based practices from
98 14 the governor and general assembly as part of the
98 15 implementation plan. The implementation plan shall be
98 16 submitted to the governor and general assembly on or before
98 17 January 31, 2008.

98 18 (4) The department shall provide the commission with a
98 19 plan for review to implement the provisions of this paragraph
98 20 "f".

98 21 g. COMPREHENSIVE PLAN.

98 22 (1) Complete a written plan describing the key components
98 23 of the state's mental health services system, including the
98 24 services addressed in this subsection and those that are
98 25 community-based, state institution-based, or regional or
98 26 state-based. The plan shall incorporate the community mental
98 27 health center plan provisions implemented pursuant to this
98 28 subsection. The plan shall be submitted to the commission on
98 29 or before November 15, 2008, and to the governor and general
98 30 assembly on or before December 15, 2008.

98 31 (2) In addition, complete a written plan for the
98 32 department to assume leadership and to assign and reassign
98 33 significant financial responsibility for the components of the
98 34 mental health services system in this state, including but not
98 35 limited to the actions needed to implement the provisions of
99 1 this subsection involving community mental health centers,
99 2 core mental health services, core services agencies,
99 3 co-occurring disorders, and evidence-based practices. The
99 4 plan shall include recommendations for funding levels, payment
99 5 methodologies for new and existing services, and allocation
99 6 changes necessary for the department to assume significant
99 7 financial responsibility for mental health services. The plan
99 8 shall be submitted to the commission on or before November 15,
99 9 2008, and the commission shall provide review and
99 10 recommendations on the plan to the department on or before
99 11 December 15, 2008. The plan shall be submitted to the
99 12 governor and general assembly on or before January 15, 2009.

99 13 (3) The planning provisions of this paragraph shall be
99 14 directed toward the goal of strengthening the partnership
99 15 between the department and counties in the state's services
99 16 system.

99 17 DIVISION VI

99 18 DECATEGORIZATION PROJECT FUNDING

99 19 Sec. 94. 2005 Iowa Acts, chapter 175, section 16,
99 20 subsection 4, is amended by adding the following new
99 21 unnumbered paragraph:

99 22 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33,
99 23 moneys in the allocations made in this subsection or made from
99 24 any other source for the decategorization of the child welfare
99 25 and juvenile justice funding initiative under section 232.188
99 26 that remain unencumbered or unobligated at the close of the
99 27 fiscal year beginning July 1, 2006, shall not revert but shall
99 28 remain available for expenditure for the purposes allocated
99 29 until the close of the succeeding fiscal year. Priority for
99 30 the moneys addressed in this paragraph shall be given to
99 31 services for children with special needs such as mental health
99 32 needs, sexual abuse victims or offenders, and substance abuse.
99 33 If moneys addressed in this paragraph are used to support
99 34 services for children with special needs that were previously
99 35 provided under a county contract funded from a county's mental
100 1 health, mental retardation, and developmental disabilities
100 2 services fund under section 331.424A, a decategorization
100 3 project may contract with a provider of such services in place
100 4 of the county contract, notwithstanding any request for
100 5 proposals requirement otherwise applicable under section
100 6 8A.311.

100 7 Sec. 95. EFFECTIVE DATE. This division of this Act, being
100 8 deemed of immediate importance, takes effect upon enactment.

100 9 DIVISION VII

100 10 COUNTY FUNDS

100 11 Sec. 96. Notwithstanding section 331.424A, subsection 5,
100 12 and section 331.432, subsection 3, for the fiscal year
100 13 beginning July 1, 2007, and ending June 30, 2008, a county may
100 14 transfer moneys from other funds of the county to the county's
100 15 services fund created in section 331.424A. A county
100 16 transferring moneys from other funds of the county to the
100 17 county's services fund pursuant to this section or utilizing
100 18 the nonreversion authority provided in the division of this
100 19 Act relating to decategorization project funding, shall submit
100 20 a report detailing the transfers made and fund affected and
100 21 explaining how the moneys made available by the nonreversion
100 22 authority were expended. The county shall submit the report
100 23 along with the county expenditure and information report
100 24 submitted by December 1, 2007, in accordance with section
100 25 331.439.

100 26 DIVISION VIII
100 27 HEALTH CARE TRUST FUND APPROPRIATIONS ==
100 28 HEALTH CARE ACTIVITIES

100 29 Sec. 97. DEPARTMENT OF PUBLIC HEALTH. In addition to any
100 30 other appropriation made in this Act for the purposes
100 31 designated, there is appropriated from the health care trust
100 32 fund created in section 453A.35A to the department of public
100 33 health for the fiscal year beginning July 1, 2007, and ending
100 34 June 30, 2008, the following amounts, or so much thereof as is
100 35 necessary, for the purposes designated and for not more than

101 1 the following full-time equivalent positions:

101 2 1. ADDICTIVE DISORDERS

101 3 \$ 6,993,754
101 4 FTEs 4.00

101 5 a. Of the funds appropriated in this subsection, \$450,000
101 6 shall be used for implementation of culturally competent
101 7 substance abuse treatment pilot projects.

101 8 (1) The department shall utilize the amount allocated in
101 9 this lettered paragraph to expand existing contracts to
101 10 implement at least three pilot projects to provide culturally
101 11 competent substance abuse treatment in various areas of the
101 12 state. Each pilot project shall target a particular ethnic
101 13 minority population. The populations targeted shall include
101 14 but are not limited to African-American, Asian, and Latino.

101 15 (2) The pilot project requirements shall provide for
101 16 documentation or other means to ensure access to the cultural
101 17 competence approach used by a pilot project so that such
101 18 approach can be replicated and improved upon in successor
101 19 programs.

101 20 b. Of the funds appropriated in this subsection,
101 21 \$5,861,754 shall be used for tobacco use prevention,
101 22 cessation, and treatment. The department shall utilize the
101 23 funds to provide for a variety of activities related to
101 24 tobacco use prevention, cessation, and treatment including to
101 25 support Quitline Iowa, QuitNet cessation counseling and
101 26 education, grants to school districts and community
101 27 organizations to support Just Eliminate Lies youth chapters
101 28 and youth tobacco prevention activities, expansion of the Just
101 29 Eliminate Lies tobacco prevention media campaign with a focus
101 30 on rural areas, nicotine replacement therapy, and other
101 31 prevention and cessation materials and media promotion. Of
101 32 the funds allocated in this lettered paragraph, not more than
101 33 \$500,000 shall be used for cessation media promotion. Of the
101 34 funds allocated in this lettered paragraph, \$255,000 may be
101 35 utilized by the department for administrative purposes.

102 1 c. Of the funds appropriated in this subsection, \$682,000
102 2 shall be used for substance abuse treatment activities.

102 3 2. HEALTHY CHILDREN AND FAMILIES

102 4 \$ 687,500
102 5 FTEs 0.50

102 6 a. Of the funds appropriated in this subsection, \$200,000
102 7 shall be used as additional funding to address the healthy
102 8 mental development of children from birth through five years
102 9 of age through local evidence-based strategies that engage
102 10 both the public and private sectors in promoting healthy
102 11 development, prevention, and treatment for children.

102 12 b. Of the funds appropriated in this subsection, \$180,000
102 13 shall be used for childhood obesity prevention.

102 14 c. Of the funds appropriated in this subsection, \$20,000
102 15 shall be used to implement the task force on postnatal tissue
102 16 and fluid banking, if enacted by 2007 Iowa Acts, House File
102 17 910.

102 18 d. Of the funds appropriated in this subsection, \$39,000
102 19 shall be used for the dental screening of children program
102 20 pursuant to section 135.17, if enacted by 2007 Iowa Acts,
102 21 House File 906.

102 22 e. Of the funds appropriated in this subsection, \$10,000
 102 23 shall be used for public health education and awareness of the
 102 24 children's vision initiatives, including the InfantSee program
 102 25 and the student vision program, administered through a
 102 26 statewide association of optometric professionals for infants
 102 27 and preschool children.
 102 28 f. Of the funds appropriated in this subsection, \$238,500
 102 29 shall be used to provide audiological services and hearing
 102 30 aids for children. The department may enter into a contract
 102 31 to administer this paragraph.
 102 32 3. CHRONIC CONDITIONS
 102 33 \$ 1,188,981
 102 34 FTEs 1.00
 102 35 a. Of the funds appropriated in this subsection, \$473,981
 103 1 shall be used as additional funding for child health specialty
 103 2 clinics.
 103 3 b. Of the funds appropriated in this subsection, \$500,000
 103 4 shall be used for the comprehensive cancer control program to
 103 5 reduce the burden of cancer in Iowa through prevention, early
 103 6 detection, effective treatment, and ensuring quality of life.
 103 7 The department shall utilize one of the full-time equivalent
 103 8 positions authorized in this subsection for administration of
 103 9 the activities related to the Iowa consortium for
 103 10 comprehensive cancer control.
 103 11 c. Of the funds appropriated in this subsection, \$5,000
 103 12 shall be used for the hemophilia advisory council pursuant to
 103 13 chapter 135N, if enacted by 2007 Iowa Acts, Senate File 548.
 103 14 d. Of the funds appropriated in this subsection, \$200,000
 103 15 shall be used for cervical and colon cancer screening.
 103 16 e. Of the funds appropriated in this subsection, \$10,000
 103 17 shall be allocated to the university of Iowa, Carver college
 103 18 of medicine, department of cardiothoracic surgery, to offer
 103 19 extracorporeal support for donation after cardiac death.
 103 20 4. COMMUNITY CAPACITY
 103 21 \$ 2,790,000
 103 22 FTEs 2.00
 103 23 a. Of the funds appropriated in this subsection, \$75,000
 103 24 shall be used for local public health infrastructure to
 103 25 examine minimum standards for local public health.
 103 26 b. Of the funds appropriated in this subsection, \$200,000
 103 27 shall be used for the mental health professional shortage area
 103 28 program implemented pursuant to section 135.80, as enacted by
 103 29 this Act.
 103 30 c. Of the funds appropriated in this subsection, \$50,000
 103 31 shall be used for a grant to a statewide association of
 103 32 psychologists that is affiliated with the American
 103 33 psychological association to be used for initial
 103 34 implementation of a program to rotate intern psychologists in
 103 35 placements in urban and rural mental health professional
 104 1 shortage areas, as defined in section 135.80, as enacted by
 104 2 this Act.
 104 3 d. Of the funds appropriated in this subsection, the
 104 4 following amounts shall be allocated to the Iowa collaborative
 104 5 safety net provider network as enacted in this Act to be used
 104 6 for the purposes designated:
 104 7 (1) For distribution to the Iowa=Nebraska primary care
 104 8 association for statewide coordination of the Iowa
 104 9 collaborative safety net provider network:
 104 10 \$ 100,000
 104 11 (2) For distribution to the Iowa family planning network
 104 12 agencies for necessary infrastructure, statewide coordination,
 104 13 provider recruitment, service delivery, and provision of
 104 14 assistance to patients in determining an appropriate medical
 104 15 home:
 104 16 \$ 100,000
 104 17 (3) For distribution to the local boards of health that
 104 18 provide direct services for pilot programs in three counties
 104 19 to assist patients in determining an appropriate medical home:
 104 20 \$ 100,000
 104 21 (4) For distribution to maternal and child health centers
 104 22 for pilot programs in three counties to assist patients in
 104 23 determining an appropriate medical home:
 104 24 \$ 100,000
 104 25 (5) For distribution to free clinics for necessary
 104 26 infrastructure, statewide coordination, provider recruitment,
 104 27 service delivery, and provision of assistance to patients in
 104 28 determining an appropriate medical home:
 104 29 \$ 250,000
 104 30 (6) For distribution to rural health clinics for necessary
 104 31 infrastructure, statewide coordination, provider recruitment,
 104 32 service delivery, and provision of assistance to patients in

104 33 determining an appropriate medical home:
104 34 \$ 150,000
104 35 (7) For the safety net provider patient access to
105 1 specialty health care initiative as described in this Act:
105 2 \$ 400,000
105 3 (8) For the pharmaceutical infrastructure for safety net
105 4 providers as described in this Act:
105 5 \$ 400,000
105 6 e. Of the funds appropriated in this subsection, \$650,000
105 7 shall be used to continue the incubation grant program to
105 8 community health centers that receive a total score of 85
105 9 based on the evaluation criteria of the health resources and
105 10 services administration of the United States department of
105 11 health and human services.
105 12 f. Of the funds appropriated in this subsection, \$75,000
105 13 shall be used for implementation of the recommendations of the
105 14 direct care worker task force established pursuant to 2005
105 15 Iowa Acts, chapter 88, based upon the report submitted to the
105 16 governor and the general assembly in December 2006.
105 17 g. Of the funds appropriated in this subsection, \$140,000
105 18 shall be used for allocation to an independent statewide
105 19 direct care worker association for education, outreach,
105 20 leadership development, mentoring, and other initiatives
105 21 intended to enhance the recruitment and retention of direct
105 22 care workers in health and long-term care.
105 23 h. The department shall utilize one of the full-time
105 24 equivalent positions authorized in this subsection for
105 25 administration of the activities related to the Iowa
105 26 collaborative safety net provider network.
105 27 i. The department shall utilize one of the full-time
105 28 equivalent positions authorized in this subsection for
105 29 administration of the voluntary health care provider program
105 30 pursuant to section 135.24.
105 31 Sec. 98. DEPARTMENT OF HUMAN SERVICES. In addition to any
105 32 other appropriation made in this Act for the purposes
105 33 designated, there is appropriated from the health care trust
105 34 fund created in section 453A.35A to the department of human
105 35 services for the fiscal year beginning July 1, 2007, and
106 1 ending June 30, 2008, the following amounts, or so much
106 2 thereof as is necessary, for the purposes designated:
106 3 1. MEDICAL ASSISTANCE
106 4 \$ 99,518,096
106 5 a. Of the funds appropriated in this subsection,
106 6 \$80,480,357 shall be used for costs of services and eligibles
106 7 including but not limited to the remedial services program;
106 8 intermediate care facilities for persons with mental
106 9 retardation (ICFMR); state cases; ambulance, clinic, and
106 10 hospice services; dental services; medical supplies and
106 11 equipment; targeted case management; medical related-provider
106 12 services; mental health-related optional services; and home
106 13 and community-based services inflation.
106 14 b. Of the funds appropriated in this subsection,
106 15 \$9,337,435 shall be used to expand access to medical
106 16 assistance for parents by increasing the earned income
106 17 disregard for parents in the family and child medical
106 18 assistance programs.
106 19 c. Of the funds appropriated in this subsection,
106 20 \$1,995,405 shall be used to reduce the waiting list for the
106 21 children's mental health home and community-based services
106 22 waiver.
106 23 d. Of the funds appropriated in this subsection, \$860,301
106 24 shall be used for the Medicaid for independent young adults
106 25 (MIYA) program.
106 26 e. Of the funds appropriated in this subsection,
106 27 \$1,001,000 shall be used for provision of habilitation
106 28 services.
106 29 f. Of the funds appropriated in this subsection,
106 30 \$4,361,598 shall be used for increased enrollment of medical
106 31 assistance-eligible children in the medical assistance
106 32 program.
106 33 g. Of the funds appropriated in this subsection,
106 34 \$1,100,000 shall be used for the money follows the person
106 35 demonstration project to assist individuals in utilizing or
107 1 transitioning to community services options.
107 2 h. Of the funds appropriated in this subsection, \$250,000
107 3 shall be used as additional funding for the grant to the Iowa
107 4 healthcare collaborative as described in section 135.40.
107 5 i. Of the funds appropriated in this subsection, \$132,000
107 6 shall be used for provisions relating to medical assistance
107 7 income trusts pursuant to the amendment to section 633C.3, if
107 8 enacted by 2007 Iowa Acts, House File 397.

107 9 2. STATE CHILDREN'S HEALTH INSURANCE PROGRAM
 107 10 \$ 8,329,570
 107 11 a. Of the funds appropriated in this subsection,
 107 12 \$4,697,363 shall be used to support current enrollment and
 107 13 natural growth in the program.
 107 14 b. Of the funds appropriated in this subsection, \$135,300
 107 15 shall be used to maintain current outreach efforts.
 107 16 c. Of the funds appropriated in this subsection,
 107 17 \$3,496,907 shall be used for increased enrollment of eligible
 107 18 children in the state children's health insurance program and
 107 19 necessary outreach.
 107 20 3. MH/MR/DD ALLOWED GROWTH FACTOR
 107 21 \$ 7,592,099
 107 22 The funds appropriated in this subsection shall be credited
 107 23 to the property tax relief fund created in section 426B.1.
 107 24 Sec. 99. LEGISLATIVE SERVICES AGENCY == LEGISLATIVE
 107 25 COMMISSION ON AFFORDABLE HEALTH CARE PLANS FOR SMALL
 107 26 BUSINESSES AND FAMILIES APPROPRIATION. There is appropriated
 107 27 from the health care trust fund created in section 453A.35A to
 107 28 the legislative services agency for the legislative commission
 107 29 on affordable health care plans for small businesses as
 107 30 enacted by this Act, for the fiscal year beginning July 1,
 107 31 2007, and ending June 30, 2008, the following amount, or so
 107 32 much thereof as is necessary, for the purpose designated:
 107 33 For carrying out the duties of the commission and the
 107 34 health care data research advisory council:
 107 35 \$ 500,000
 108 1 Of the amount appropriated in this section, a portion shall
 108 2 be used for the health and long-term-care workforce review to
 108 3 be conducted by the department of public health as described
 108 4 in this Act.
 108 5 Sec. 100. Section 135.24, subsection 2, paragraphs a and
 108 6 b, Code 2007, are amended to read as follows:
 108 7 a. Procedures for expedited registration of health care
 108 8 providers deemed qualified by the board of medical examiners,
 108 9 the board of physician assistant examiners, the board of
 108 10 dental examiners, the board of nursing, the board of
 108 11 chiropractic examiners, the board of psychology examiners, the
 108 12 board of social work examiners, the board of behavioral
 108 13 science examiners, the board of pharmacy examiners, the board
 108 14 of optometry examiners, the board of podiatry examiners, the
 108 15 board of physical and occupational therapy examiners, the
 108 16 state board for respiratory care, and the Iowa department of
 108 17 public health, as applicable. An expedited registration shall
 108 18 be completed within fifteen days of application of the health
 108 19 care provider.
 108 20 b. Procedures for expedited registration of free clinics.
 108 21 An expedited registration shall be completed within fifteen
 108 22 days of application of the free clinic.
 108 23 Sec. 101. Section 135.24, subsection 3, unnumbered
 108 24 paragraph 1, Code 2007, is amended to read as follows:
 108 25 A health care provider providing free care under this
 108 26 section shall be considered an employee of the state under
 108 27 chapter 669, ~~and~~ shall be afforded protection as an employee
 108 28 of the state under section 669.21, ~~and shall not be subject to~~
 108 29 payment of claims arising out of the free care provided under
 108 30 this section through the health care provider's own
 108 31 professional liability insurance coverage, provided that the
 108 32 health care provider has done all of the following:
 108 33 Sec. 102. NEW SECTION. 135.80 MENTAL HEALTH PROFESSIONAL
 108 34 SHORTAGE AREA PROGRAM.
 108 35 1. For the purposes of this section, "mental health
 109 1 professional shortage areas" means geographic areas in this
 109 2 state that have been designated by the United States
 109 3 department of health and human services, health resources and
 109 4 services administration, bureau of health professionals, as
 109 5 having a shortage of mental health professionals.
 109 6 2. The department shall establish and administer a mental
 109 7 health professional shortage area program in accordance with
 109 8 this section. Implementation of the program shall be limited
 109 9 to the extent of the funding appropriated or otherwise made
 109 10 available for the program.
 109 11 3. The program shall provide stipends to support
 109 12 psychiatrist positions with an emphasis on securing and
 109 13 retaining medical directors at community mental health
 109 14 centers, providers of mental health services to county
 109 15 residents pursuant to a waiver approved under section 225C.7,
 109 16 subsection 3, and hospital psychiatric units that are located
 109 17 in mental health professional shortage areas.
 109 18 4. The department shall apply the rules in determining the
 109 19 number and amounts of stipends within the amount of funding

109 20 available for the program for a fiscal year.

109 21 5. For each fiscal year in which funding is allocated by
109 22 the program, the department shall report to the governor and
109 23 general assembly summarizing the program's activities and the
109 24 impact made to address the shortage of mental health
109 25 professionals.

109 26 Sec. 103. NEW SECTION. 135.153 IOWA COLLABORATIVE SAFETY
109 27 NET PROVIDER NETWORK ESTABLISHED.

109 28 1. The department shall establish an Iowa collaborative
109 29 safety net provider network that includes community health
109 30 centers, rural health clinics, free clinics, maternal and
109 31 child health centers, the expansion population provider
109 32 network as described in chapter 249J, local boards of health
109 33 that provide direct services, Iowa family planning network
109 34 agencies, child health specialty clinics, and other safety net
109 35 providers. The network shall be a continuation of the network
110 1 established pursuant to 2005 Iowa Acts, chapter 175, section
110 2 2, subsection 12. The network shall include all of the
110 3 following:

110 4 a. An Iowa safety net provider advisory group consisting
110 5 of representatives of community health centers, rural health
110 6 clinics, free clinics, maternal and child health centers, the
110 7 expansion population provider network as described in chapter
110 8 249J, local boards of health that provide direct services,
110 9 Iowa family planning network agencies, child health specialty
110 10 clinics, other safety net providers, patients, and other
110 11 interested parties.

110 12 b. A planning process to logically and systematically
110 13 implement the Iowa collaborative safety net provider network.

110 14 c. A database of all community health centers, rural
110 15 health clinics, free clinics, maternal and child health
110 16 centers, the expansion population provider network as
110 17 described in chapter 249J, local boards of health that provide
110 18 direct services, Iowa family planning network agencies, child
110 19 health specialty clinics, and other safety net providers. The
110 20 data collected shall include the demographics and needs of the
110 21 vulnerable populations served, current provider capacity, and
110 22 the resources and needs of the participating safety net
110 23 providers.

110 24 d. Network initiatives to, at a minimum, improve quality,
110 25 improve efficiency, reduce errors, and provide clinical
110 26 communication between providers. The network initiatives
110 27 shall include but are not limited to activities that address
110 28 all of the following:

- 110 29 (1) Training.
- 110 30 (2) Information technology.
- 110 31 (3) Financial resource development.
- 110 32 (4) A referral system for ambulatory care.
- 110 33 (5) A referral system for specialty care.
- 110 34 (6) Pharmaceuticals.
- 110 35 (7) Recruitment of health professionals.

111 1 2. The network shall form a governing group which includes
111 2 two individuals each representing community health centers,
111 3 rural health clinics, free clinics, maternal and child health
111 4 centers, the expansion population provider network as
111 5 described in chapter 249J, local boards of health that provide
111 6 direct services, the state board of health, Iowa family
111 7 planning network agencies, child health specialty clinics, and
111 8 other safety net providers.

111 9 3. The department shall provide for evaluation of the
111 10 network and its impact on the medically underserved.

111 11 Sec. 104. Section 249J.8, subsection 1, Code 2007, is
111 12 amended to read as follows:

111 13 1. ~~Beginning July 1, 2005, each~~ Each expansion population
111 14 member whose family income ~~equals or~~ exceeds one hundred
111 15 percent of the federal poverty level as defined by the most
111 16 recently revised poverty income guidelines published by the
111 17 United States department of health and human services shall
111 18 pay a monthly premium not to exceed one-twelfth of five
111 19 percent of the member's annual family income, ~~and each.~~ Each
111 20 expansion population member whose family income is equal to or
111 21 less than one hundred percent of the federal poverty level as
111 22 defined by the most recently revised poverty income guidelines
111 23 published by the United States department of health and human
111 24 services shall ~~pay not be subject to payment of a monthly~~
111 25 ~~premium not to exceed one-twelfth of two percent of the~~
111 26 ~~member's annual family income.~~ All premiums shall be paid on
111 27 the last day of the month of coverage. The department shall
111 28 deduct the amount of any monthly premiums paid by an expansion
111 29 population member for benefits under the healthy and well kids
111 30 in Iowa program when computing the amount of monthly premiums

owed under this subsection. An expansion population member shall pay the monthly premium during the entire period of the member's enrollment. Regardless of the length of enrollment, the member is subject to payment of the premium for a minimum of four consecutive months. However, an expansion population member who complies with the requirement of payment of the premium for a minimum of four consecutive months during a consecutive twelve-month period of enrollment shall be deemed to have complied with this requirement for the subsequent consecutive twelve-month period of enrollment and shall only be subject to payment of the monthly premium on a month-by-month basis. Timely payment of premiums, including any arrearages accrued from prior enrollment, is a condition of receiving any expansion population services. Premiums collected under this subsection shall be deposited in the premiums subaccount of the account for health care transformation created pursuant to section 249J.23. An expansion population member shall also pay the same copayments required of other adult recipients of medical assistance.

Sec. 105. Section 283A.2, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Each school district that operates or provides for a school breakfast or lunch program shall provide for the forwarding of information from the applications for the school breakfast or lunch program, for which federal funding is provided, to identify children for enrollment in the medical assistance program pursuant to chapter 249A or the healthy and well kids in Iowa program pursuant to chapter 514I to the department of human services.

Sec. 106. Section 514I.5, subsection 8, Code 2007, is amended by adding the following new paragraph:

NEW PARAGRAPH. n. The use of provider guidelines in assessing the well-being of children, which may include the use of the bright futures for infants, children, and adolescents program as developed by the federal maternal and child health bureau and the American academy of pediatrics guidelines for well-child care.

Sec. 107. IOWACARE PROVIDER NETWORK EXPANSION. The director of human services shall aggressively pursue options to expand the expansion population provider network for the IowaCare program pursuant to chapter 249J. The department may expand the expansion population provider network if sufficient unencumbered certified local matching funds are available to cover the state share of the costs of services provided to the expansion population or if an alternative funding source is identified to cover the state share.

Sec. 108. PHARMACEUTICAL INFRASTRUCTURE FOR SAFETY NET PROVIDERS. The Iowa collaborative safety net provider network established pursuant to section 135.153 shall develop a pharmaceutical infrastructure for safety net providers. The infrastructure shall include all of the following elements:

1. Identification of the most efficacious drug therapies, a strategy to distribute pharmaceuticals to safety net providers for provision to patients at the point of care, including the development of a centralized intake concept to determine the eligibility of safety net provider patients for the prescription drug donation repository program pursuant to chapter 135M and pharmaceutical manufacturer assistance programs.

2. An educational effort for safety net provider patients, medical providers, and pharmacists regarding the drug therapies and access alternatives identified pursuant to subsection 1.

3. Utilization of a fully transparent pharmacy benefits manager to work with local pharmacies to provide low cost patient access to drug therapies.

4. A medication reconciliation program to ensure that each patient has a complete record of the patient's medication history available.

Sec. 109. SAFETY NET PROVIDER PATIENTS == ACCESS TO SPECIALTY CARE.

1. The Iowa collaborative safety net provider network established in section 135.153 shall implement a specialty care initiative in two communities in the state to determine various methods of addressing the issue of specialty care access in underserved areas of the state. The communities selected shall develop collaborative partnerships between hospitals, specialists, primary care providers, community partners, human services providers, and others involved in providing health care.

2. The initiative shall include an evaluation component to

114 7 determine the value of services provided and participating
114 8 communities shall participate in sharing data and findings
114 9 resulting from the initiative.

114 10 3. Based upon the results of the initiative, the network
114 11 shall build an infrastructure for improved specialty care
114 12 access throughout the state.

114 13 Sec. 110. HEALTH AND LONG-TERM-CARE WORKFORCE REVIEW AND
114 14 RECOMMENDATIONS.

114 15 1. The department of public health, in collaboration with
114 16 the department of human services, the department of
114 17 inspections and appeals, the department of workforce
114 18 development, and other state agencies involved with relevant
114 19 health care and workforce issues, shall conduct a
114 20 comprehensive review of Iowa's health and long-term-care
114 21 workforce. The review shall provide for all of the following:

114 22 a. Raising of public awareness of the imminent health and
114 23 long-term-care workforce shortage, based upon the rapidly
114 24 changing demographics in the state.

114 25 b. A description of the current health and long-term-care
114 26 workforce, including documenting the shortages and challenges
114 27 that exist throughout the state and analyzing the impact of
114 28 these shortages on access to care, the quality of care
114 29 received including outcomes, and the cost of care.

114 30 c. A projection of the health and long-term-care workforce
114 31 necessary to provide comprehensive, accessible, quality, and
114 32 cost-effective care during the next twenty-five years.

114 33 d. Construction of a workforce model to provide the
114 34 necessary or desirable health and long-term-care workforce
114 35 described in paragraph "c".

115 1 2. The department of public health and other agencies
115 2 collaborating in the review shall actively elicit input from
115 3 persons involved or interested in the delivery of health and
115 4 long-term-care services, including but not limited to members
115 5 of the health and long-term-care workforce and consumers of
115 6 health and long-term care.

115 7 3. The department shall coordinate the review with other
115 8 initiatives such as PRIMECARRE and the Iowa collaborative
115 9 safety net provider network recruitment effort.

115 10 4. The department of public health shall submit the
115 11 findings and recommendations of the review for submission to
115 12 the general assembly and the governor on or before January 15,
115 13 2008. The recommendations shall include specific action steps
115 14 to assist the state in meeting the health and long-term-care
115 15 workforce shortages and challenges. The action steps shall
115 16 include but are not limited to all of the following:

115 17 a. Strategies such as enhanced pay and benefits, expanded
115 18 initial and ongoing training, flexible work scheduling,
115 19 reduced workload volume, and utilizing a team-based approach
115 20 to providing care to both recruit and retain the necessary
115 21 health and long-term-care workforce.

115 22 b. Utilization of innovative measures, including but not
115 23 limited to telemedicine and other emerging technologies, and
115 24 scope of practice changes that allow modifications in roles
115 25 and responsibilities in various health and long-term-care
115 26 settings.

115 27 Sec. 111. BEHAVIORAL HEALTH == DEVELOPING WORKFORCE
115 28 COMPETENCIES.

115 29 1. The department of public health shall work
115 30 collaboratively during the fiscal year beginning July 1, 2007,
115 31 with the departments of corrections, education, elder affairs,
115 32 and human services, and other state agencies, to enhance the
115 33 workforce competencies of professional and direct care staff
115 34 who provide behavioral health services, including but not
115 35 limited to all of the following:

116 1 a. Treatment of persons with co-occurring mental health
116 2 and substance use disorders.

116 3 b. Treatment of children with mental health or substance
116 4 use disorders.

116 5 c. Treatment of persons with serious mental illness.

116 6 d. Treatment of veterans of United States or Iowa military
116 7 service with mental health or substance use disorders.

116 8 e. Treatment of older adults with mental health or
116 9 substance use disorders.

116 10 2. The department's collaborative effort shall utilize the
116 11 findings of the substance abuse and mental health services
116 12 administration of the United States department of health and
116 13 human services and materials developed by the Annapolis
116 14 coalition on the behavioral health workforce in planning and
116 15 implementing efforts to enhance the competency-based training
116 16 of the state's behavioral health workforce.

116 17 Sec. 112. CONTINGENT EFFECTIVE DATE. The provision in

116 18 this division of this Act amending section 249J.8 shall not
116 19 take effect unless the department of human services receives
116 20 approval of a medical assistance waiver amendment to change
116 21 the premium requirements from the centers for Medicare and
116 22 Medicaid services of the United States department of health
116 23 and human services.

116 24 DIVISION IX
116 25 CHILD WELFARE SERVICES

116 26 Sec. 113. Section 232.52, subsection 6, unnumbered
116 27 paragraph 1, Code 2007, is amended to read as follows:

116 28 When the court orders the transfer of legal custody of a
116 29 child pursuant to subsection 2, paragraph "d", "e", or "f",
116 30 the order shall state that reasonable efforts as defined in
116 31 section 232.57 have been made. If deemed appropriate by the
116 32 court, the order may include a determination that continuation
116 33 of the child in the child's home is contrary to the child's
116 34 welfare. The inclusion of such a determination shall not
116 35 under any circumstances be deemed a prerequisite for entering
117 1 an order pursuant to this section. However, the inclusion of
117 2 such a determination, supported by the record, may be used to
117 3 assist the department in obtaining federal funding for the
117 4 child's placement. If such a determination is included in the
117 5 order, unless the court makes a determination that further
117 6 reasonable efforts are not required, reasonable efforts shall
117 7 be made to prevent permanent removal of a child from the
117 8 child's home and to encourage reunification of the child with
117 9 the child's parents and family. The reasonable efforts may
117 10 include but are not limited to early intervention and
117 11 follow-up programs implemented pursuant to section 232.191.

117 12 Sec. 114. Section 232.102, subsection 5, paragraph b, Code
117 13 2007, is amended to read as follows:

117 14 b. In order to transfer custody of the child under this
117 15 subsection, the court must make a determination that
117 16 continuation of the child in the child's home would be
117 17 contrary to the welfare of the child, and shall identify the
117 18 reasonable efforts that have been made. The court's
117 19 determination regarding continuation of the child in the
117 20 child's home, and regarding reasonable efforts, including
117 21 those made to prevent removal and those made to finalize any
117 22 permanency plan in effect, as well as any determination by the
117 23 court that reasonable efforts are not required, must be made
117 24 on a case-by-case basis. The grounds for each determination
117 25 must be explicitly documented and stated in the court order.
117 26 However, preserving the safety of the child is the paramount
117 27 consideration. If imminent danger to the child's life or
117 28 health exists at the time of the court's consideration, the
117 29 determinations otherwise required under this paragraph shall
117 30 not be a prerequisite for an order for removal of the child.
117 31 If the court transfers custody of the child, unless the court
117 32 waives the requirement for making reasonable efforts or
117 33 otherwise makes a determination that reasonable efforts are
117 34 not required, reasonable efforts shall be made to make it
117 35 possible for the child to safely return to the family's home.

118 1 Sec. 115. Section 232.143, subsection 1, Code 2007, is
118 2 amended to read as follows:

118 3 1. a. A statewide expenditure target for children in
118 4 group foster care placements in a fiscal year, which
118 5 placements are a charge upon or are paid for by the state,
118 6 shall be established annually in an appropriation bill by the
118 7 general assembly. Representatives of the department and
118 8 juvenile court services shall jointly develop a formula for
118 9 allocating a portion of the statewide expenditure target
118 10 established by the general assembly to each of the
118 11 department's service areas. The formula shall be based upon
118 12 the service area's proportion of the state population of
118 13 children and of the statewide usage of group foster care in
118 14 the previous five completed fiscal years and upon other
118 15 indicators of need. The expenditure amount determined in
118 16 accordance with the formula shall be the group foster care
118 17 budget target for that service area.

118 18 b. A service area may exceed the service area's budget
118 19 target for group foster care by not more than five percent in
118 20 a fiscal year, provided the overall funding allocated by the
118 21 department for all child welfare services in the service area
118 22 is not exceeded.

118 23 c. If all of the following circumstances are applicable, a
118 24 service area may temporarily exceed the service area's budget
118 25 target as necessary for placement of a child in group foster
118 26 care:

- 118 27 (1) The child is thirteen years of age or younger.
118 28 (2) The court has entered a dispositional order for

118 29 placement of the child in group foster care.
118 30 (3) The child is placed in a juvenile detention facility
118 31 awaiting placement in group foster care.
118 32 d. If a child is placed pursuant to paragraph "c", causing
118 33 a service area to temporarily exceed the service area's budget
118 34 target, the department and juvenile court services shall
118 35 examine the cases of the children placed in group foster care
119 1 and counted in the service area's budget target at the time of
119 2 the placement pursuant to paragraph "c". If the examination
119 3 indicates it may be appropriate to terminate the placement for
119 4 any of the cases, the department and juvenile court services
119 5 shall initiate action to set a dispositional review hearing
119 6 under this chapter for such cases. In such a dispositional
119 7 review hearing, the court shall determine whether needed
119 8 aftercare services are available following termination of the
119 9 placement and whether termination of the placement is in the
119 10 best interests of the child and the community.

119 11 Sec. 116. NEW SECTION. 234.3 CHILD WELFARE ADVISORY
119 12 COMMITTEE.

119 13 1. A child welfare advisory committee is established to
119 14 advise the administrator and the department of human services
119 15 on programmatic and budgetary matters related to the provision
119 16 or purchase of child welfare services. The committee shall
119 17 meet at least quarterly, or upon the call of the chairperson,
119 18 to review departmental budgets, policies, and programs, and
119 19 proposed budgets, policies, and programs, and to make
119 20 recommendations and suggestions to make the state child
119 21 welfare budget, programs, and policies more effective in
119 22 serving families and children.

119 23 2. The advisory committee shall consist of fifteen voting
119 24 members, appointed by the governor and confirmed by the
119 25 senate. The membership shall include representatives of child
119 26 welfare service providers, juvenile court services, the Iowa
119 27 foster and adoptive parent association, the child advocacy
119 28 board, the coalition for family and children's services in
119 29 Iowa, children's advocates, service consumers, and others who
119 30 have training or knowledge related to child welfare services.
119 31 The terms of voting members shall be for three-year staggered
119 32 terms, beginning and ending as provided in section 69.19. A
119 33 member shall continue to serve until a successor is appointed
119 34 and a vacancy shall be filled for the remainder of the
119 35 unexpired term. In addition, four members shall be
120 1 legislators, all serving as ex officio, nonvoting members,
120 2 with one each appointed by the speaker of the house of
120 3 representatives, the minority leader of the house of
120 4 representatives, the majority leader of the senate, and the
120 5 minority leader of the senate. The director of human services
120 6 and the administrator, or their designees, shall also be ex
120 7 officio nonvoting members, and shall serve as resource persons
120 8 to the committee.

120 9 3. A chairperson, vice chairperson, and other officers
120 10 deemed necessary by the committee shall be appointed by the
120 11 membership of the committee. Committee staffing shall be
120 12 designated by the administrator.

120 13 Sec. 117. GROUP FOSTER CARE WAITING LIST. On or before
120 14 December 15, 2007, the department of human services shall
120 15 report to the general assembly providing detailed information
120 16 concerning the children who were on a waiting list for group
120 17 foster care services during the period covered by the report.
120 18 The information shall include but is not limited to the number
120 19 and status of children who were on a waiting list, the length
120 20 of time the children spent on a waiting list, alternative
120 21 placements while the children were on a waiting list, age and
120 22 gender of the children, distribution of responsibility between
120 23 the department and juvenile court services, and the projected
120 24 funding, services, and programs required to appropriately
120 25 address the needs of the children on a waiting list or to
120 26 otherwise eliminate the need for a waiting list.

120 27 DIVISION X
120 28 FINANCIAL RESPONSIBILITY FOR
120 29 CERTAIN MEDICAID SERVICES

120 30 Sec. 118. Section 225C.6, subsection 1, paragraph e, Code
120 31 2007, is amended to read as follows:

120 32 e. Unless another governmental body sets standards for a
120 33 service available to persons with disabilities, adopt state
120 34 standards for that service. The commission shall provide that
120 35 a service provider's compliance with standards for a service
121 1 set by a nationally recognized body shall be deemed to be in
121 2 compliance with the state standards adopted by the commission
121 3 for that service. The commission shall adopt state standards
121 4 for those residential and community-based providers of

121 5 services to persons with mental illness or developmental
121 6 disabilities that are not otherwise subject to licensure by
121 7 the department of human services or department of inspections
121 8 and appeals, including but not limited to remedial services
121 9 payable under the ~~adult rehabilitation option of the~~ medical
121 10 assistance program and other services payable from funds
121 11 credited to a county mental health, mental retardation, and
121 12 developmental disabilities services fund created in section
121 13 331.424A. In addition, the commission shall review the
121 14 licensing standards used by the department of human services
121 15 or department of inspections and appeals for those facilities
121 16 providing services to persons with mental illness or
121 17 developmental disabilities.

121 18 Sec. 119. Section 249A.26, subsection 4, Code 2007, is
121 19 amended to read as follows:

121 20 4. The county of legal settlement shall pay for one
121 21 hundred percent of the nonfederal share of the cost of
121 22 services provided to adult persons with chronic mental illness
121 23 ~~implemented under the adult rehabilitation option of the state~~
121 24 ~~medical assistance plan who qualify for habilitation services~~
121 25 ~~in accordance with the rules adopted for the services.~~ The
121 26 state shall pay for one hundred percent of the nonfederal
121 27 share of the cost of such services provided to such persons
121 28 who have no legal settlement or the legal settlement is
121 29 unknown so that the persons are deemed to be state cases.

121 30 Sec. 120. Section 249A.31, Code 2007, is amended to read
121 31 as follows:

121 32 249A.31 COST=BASED REIMBURSEMENT ~~== MENTAL HEALTH AND~~
121 33 ~~DEVELOPMENTAL DISABILITIES PROVIDERS.~~

121 34 ~~All of the following shall receive cost-based reimbursement~~
121 35 ~~for one hundred percent of the reasonable costs for the~~
122 1 ~~provision of services to recipients of medical assistance+~~
122 2 ~~1. Providers of individual case management services for~~
122 3 ~~persons with mental retardation, a developmental disability,~~
122 4 ~~or chronic mental illness shall receive cost-based~~
122 5 ~~reimbursement for one hundred percent of the reasonable costs~~
122 6 ~~for the provision of the services in accordance with standards~~
122 7 ~~adopted by the mental health, mental retardation,~~
122 8 ~~developmental disabilities, and brain injury commission~~
122 9 ~~pursuant to section 225C.6.~~

122 10 ~~2. Providers of services to persons with chronic mental~~
122 11 ~~illness implemented under the adult rehabilitation option of~~
122 12 ~~the state medical assistance plan.~~

122 13 Sec. 121. Section 331.440A, subsection 7, paragraph b,
122 14 subparagraph (1), Code 2007, is amended to read as follows:

122 15 (1) The oversight committee may make a determination that
122 16 implementation by the department of human services of a new
122 17 significant funding provision such as ~~the rehabilitation~~
122 18 ~~option for persons with chronic mental illness remedial~~
122 19 ~~services~~ or a waiver under the medical assistance program, or
122 20 another good cause reason, justifies delay of the
122 21 implementation of the pilot project phases as provided in
122 22 subsection 6. If such a determination is made, the department
122 23 of human services and pilot project counties shall delay
122 24 implementation of the pilot project phases until a date
122 25 identified by the oversight committee.

122 26 Sec. 122. Section 249A.26A, Code 2007, is repealed.

122 27 Sec. 123. IMPLEMENTATION OF DIVISION. Section 25B.2,
122 28 subsection 3, shall not apply to this division of this Act.

122 29 DIVISION XI
122 30 FAMILY OPPORTUNITY ACT

122 31 Sec. 124. Section 249A.3, subsection 1, Code 2007, is
122 32 amended by adding the following new paragraph:

122 33 NEW PARAGRAPH. u. As allowed under the federal Deficit
122 34 Reduction Act of 2005, Pub. L. No. 109=171, section 6062, is
122 35 an individual who is less than nineteen years of age who meets
123 1 the federal supplemental security income program rules for
123 2 disability but whose income or resources exceed such program
123 3 rules, who is a member of a family whose income is at or below
123 4 three hundred percent of the most recently revised official
123 5 poverty guidelines published by the United States department
123 6 of health and human services for the family, and whose parent
123 7 complies with the requirements relating to family coverage
123 8 offered by the parent's employer. Such assistance shall be
123 9 provided on a phased-in basis, based upon the age of the
123 10 individual.

123 11 Sec. 125. DEVELOPMENT AND SUPPORT OF FAMILY=TO=FAMILY
123 12 HEALTH INFORMATION CENTER.

123 13 1. As provided under the federal Deficit Reduction Act of
123 14 2005, Pub. L. No. 109=171, section 6064, the department of
123 15 public health shall aggressively pursue the establishment of a

123 16 family=to=family health information center in Iowa. The
123 17 center shall provide for all of the following:
123 18 a. Assistance to families of children with disabilities or
123 19 special health care needs to make informed choices about
123 20 health care in order to promote good treatment decisions,
123 21 cost=effectiveness, and improved health outcomes for such
123 22 children.
123 23 b. Information regarding health care needs of and
123 24 resources available for such children.
123 25 c. Identification of successful health delivery models for
123 26 such children.
123 27 d. Development, with representatives of health care
123 28 providers, managed care organizations, health care purchasers,
123 29 and appropriate state agencies, of a model for collaboration
123 30 between families of such children and health professionals.
123 31 e. Training and guidance regarding caring for such
123 32 children.
123 33 f. Conducting of outreach activities to the families of
123 34 such children, health professionals, schools, and other
123 35 appropriate entities and individuals.

124 1 2. The center shall be staffed by families of children
124 2 with disabilities or special health care needs who have
124 3 expertise in federal and state public and private health care
124 4 systems and by health professionals.

124 5 Sec. 126. FUNDING == CONTINGENCY.

124 6 1. The provision in this division of this Act relating to
124 7 eligibility for certain persons with disabilities under the
124 8 medical assistance program shall only be implemented if the
124 9 department of human services determines that funding is
124 10 available in appropriations made in this Act, in combination
124 11 with federal allocations to the state, for the state
124 12 children's health insurance program, in excess of the amount
124 13 needed to cover the current and projected enrollment under the
124 14 state children's health insurance program. If such a
124 15 determination is made, the department of human services shall
124 16 transfer funding from the appropriations made in this Act for
124 17 the state children's health insurance program, not otherwise
124 18 required for that program, to the appropriations made in this
124 19 Act for medical assistance, as necessary, to implement such
124 20 provision of this division of this Act.

124 21 2. The provision in this division of this Act relating to
124 22 the development and support of a family=to=family health
124 23 information center shall be implemented only if discretionary
124 24 funding is received from the health resources and services
124 25 administration of the United States department of health and
124 26 human services for this purpose.

124 27 DIVISION XII

124 28 COMMISSION ON AFFORDABLE HEALTH CARE

124 29 Sec. 127. LEGISLATIVE COMMISSION ON AFFORDABLE HEALTH CARE
124 30 PLANS FOR SMALL BUSINESSES AND FAMILIES.

124 31 1. A legislative commission on affordable health care
124 32 plans for small businesses and families is created for the
124 33 2007 legislative interim. The legislative services agency
124 34 shall provide staffing assistance to the commission.

124 35 a. The commission shall include 10 members of the general
125 1 assembly, three appointed by the majority leader of the
125 2 senate, two appointed by the minority leader of the senate,
125 3 three appointed by the speaker of the house of
125 4 representatives, and two appointed by the minority leader of
125 5 the house of representatives.

125 6 b. The commission shall include members of the public
125 7 appointed by the legislative council from designees of the
125 8 following:

125 9 (1) Two members who are small business owners, one
125 10 designated by the Iowa association of business and industry,
125 11 and one designated by the national federation of independent
125 12 business.

125 13 (2) One hospital administrator designated by the Iowa
125 14 hospital association.

125 15 (3) Two health care providers, one a physician designated
125 16 by the Iowa medical society, and one a nurse designated by the
125 17 Iowa nurses association.

125 18 (4) One individual insurance agent designated by the
125 19 independent insurance agents of Iowa.

125 20 (5) One representative of an insurance carrier designated
125 21 by the federation of Iowa insurers.

125 22 (6) One individual health insurance agent designated by
125 23 the Iowa association of health underwriters.

125 24 c. The commission shall include five consumers appointed
125 25 by the governor.

125 26 d. The commission shall include the following members, or

125 27 their designees, as ex officio members:
125 28 (1) The commissioner of insurance.
125 29 (2) The director of human services.
125 30 (3) The director of public health.
125 31 e. At least one of the members appointed or designated
125 32 pursuant to paragraph "a", "b", or "c" shall be a member of a
125 33 racial minority group.
125 34 2. The chairpersons of the commission shall be those
125 35 members of the general assembly so appointed by the majority
126 1 leader of the senate and the speaker of the house of
126 2 representatives. Legislative members of the commission are
126 3 eligible for per diem and reimbursement of actual expenses as
126 4 provided in section 2.10. Consumers appointed to the
126 5 commission by the governor pursuant to subsection 1, paragraph
126 6 "c", are entitled to receive a per diem as specified in
126 7 section 7E.6 for each day spent in performance of duties as
126 8 members, and shall be reimbursed for all actual and necessary
126 9 expenses incurred in the performance of duties as members of
126 10 the commission.
126 11 3. The commission shall review, analyze, and make
126 12 recommendations on issues relating to the affordability of
126 13 health care for Iowans including but not limited to:
126 14 a. The benefits and costs of requiring all residents of
126 15 Iowa to have health insurance coverage, including but not
126 16 limited to individual mandates and proposals from other
126 17 states.
126 18 b. The benefits and costs of providing health insurance
126 19 coverage to all children in the state, with a particular
126 20 emphasis on children's health issues.
126 21 c. Uninsured and underinsured Iowans with a special focus
126 22 on determining the characteristics of the uninsured and
126 23 underinsured populations, why such persons are uninsured or
126 24 underinsured, and the most effective and efficient means to
126 25 provide insurance coverage to such persons, including through
126 26 government programs.
126 27 d. Major factors and trends that are likely to impact the
126 28 cost of premiums and affordability of health care during the
126 29 next ten years, including but not limited to effects of
126 30 mandates, levels of coverage, costs and pricing of treatments,
126 31 cost-sharing and cost-cutting measures, cost-shifting
126 32 measures, collaborative opportunities, subsidies, reinsurance
126 33 plans, risk pooling, and wellness and disease prevention
126 34 initiatives.
126 35 4. The commission shall utilize the expertise of the
127 1 health care data research advisory council in carrying out the
127 2 commission's duties.
127 3 5. The commission may hold public hearings to allow
127 4 persons and organizations to be heard and to gather
127 5 information.
127 6 6. The commission may request from any state agency or
127 7 official information and assistance as needed to perform the
127 8 review and analysis required in subsection 3. A state agency
127 9 or official shall furnish the information or assistance
127 10 requested within the authority and resources of the state
127 11 agency or official. This subsection does not allow the
127 12 examination or copying of any public record required by law to
127 13 be kept confidential.
127 14 7. The commission may employ staff and consultants as
127 15 necessary to assist the commission in carrying out its duties
127 16 as set forth in this section.
127 17 8. The commission shall complete its deliberations in
127 18 December 2007 and submit a final report to the general
127 19 assembly for consideration during the 2008 Legislative
127 20 Session, summarizing the commission's activities, analyzing
127 21 issues studied, making recommendations for legislative reforms
127 22 that will make health insurance coverage more affordable for
127 23 small businesses and families in this state, and including any
127 24 other information that the commission deems relevant and
127 25 necessary.
127 26 Sec. 128. HEALTH CARE DATA RESEARCH ADVISORY COUNCIL.
127 27 1. A health care data research advisory council is created
127 28 for the purpose of assisting the legislative commission on
127 29 affordable health care plans for small businesses and families
127 30 in carrying out the commission's duties by conducting
127 31 research, providing research data and analysis, and performing
127 32 other functions within the expertise of the members of the
127 33 council at the direction of the commission.
127 34 2. The council membership shall be appointed by the
127 35 legislative council and shall include but is not limited to
128 1 the following:
128 2 a. A representative of the university of Iowa college of

128 3 medicine.
128 4 b. A representative of the university of Iowa college of
128 5 dentistry.
128 6 c. A representative of the university of Iowa college of
128 7 pharmacy.
128 8 d. A representative of the university of Iowa college of
128 9 nursing.
128 10 e. A representative of the university of Iowa college of
128 11 public health.
128 12 f. A representative of Des Moines university ==
128 13 osteopathic medical center.
128 14 g. A representative of the Drake university college of
128 15 pharmacy.
128 16 h. A representative of an Iowa college of health sciences.
128 17 i. A representative of the Iowa public health association.
128 18 Sec. 129. EFFECTIVE DATE. This division of this Act,
128 19 being deemed of immediate importance, takes effect upon
128 20 enactment.

128 21 DIVISION XIII

128 22 HOME AND COMMUNITY=BASED SERVICES WAIVER

128 23 RECIPIENT RESIDENCE == ZONING

128 24 Sec. 130. NEW SECTION. 335.34 HOME AND COMMUNITY=BASED
128 25 SERVICES WAIVER RECIPIENT RESIDENCE.

128 26 1. A county, county board of supervisors, or county zoning
128 27 commission shall consider the residence of the recipient of
128 28 services under a home and community=based services waiver as a
128 29 residential use of property for the purposes of zoning and
128 30 shall treat the use of the residence as a permitted use in all
128 31 residential zones or districts, including all single=family
128 32 residential zones or districts, of the county.

128 33 2. A county, county board of supervisors, or a county
128 34 zoning commission shall not require that the recipient, or the
128 35 owner of such a residence if other than the recipient, obtain
129 1 a conditional use permit, special use permit, special
129 2 exception, or variance. A county, county board of
129 3 supervisors, or county zoning commission shall not establish
129 4 limitations regarding the proximity of one such residence to
129 5 another.

129 6 3. This section applies to the residence of a recipient of
129 7 services under a home and community=based services waiver if
129 8 the residence meets any of the following conditions:

129 9 a. The residence is a single=family dwelling owned or
129 10 rented by the recipient.

129 11 b. The residence is a multifamily dwelling which does not
129 12 hold itself out to the public as a community=based residential
129 13 provider otherwise regulated by law including but not limited
129 14 to a residential care facility, and which provides dwelling
129 15 units to no more than four recipients of services under a home
129 16 and community=based services waiver at any one time.

129 17 4. For the purposes of this section, "home and
129 18 community=based services waiver" means "waiver" as defined in
129 19 section 249A.29.

129 20 Sec. 131. NEW SECTION. 414.32 HOME AND COMMUNITY=BASED
129 21 SERVICES WAIVER RECIPIENT RESIDENCE.

129 22 1. A city, city council, or city zoning commission shall
129 23 consider the residence of the recipient of services under a
129 24 home and community=based services waiver as a residential use
129 25 of property for the purposes of zoning and shall treat the use
129 26 of the residence as a permitted use in all residential zones
129 27 or districts, including all single=family residential zones or
129 28 districts, of the city.

129 29 2. A city, city council, or city zoning commission shall
129 30 not require that the recipient, or owner of such residence if
129 31 other than the recipient, obtain a conditional use permit,
129 32 special use permit, special exception, or variance. A city,
129 33 city council, or city zoning commission shall not establish
129 34 limitations regarding the proximity of one such residence to
129 35 another.

130 1 3. This section applies to the residence of a recipient of
130 2 services under a home and community=based services waiver if
130 3 the residence meets any of the following conditions:

130 4 a. The residence is a single=family dwelling owned or
130 5 rented by the recipient.

130 6 b. The residence is a multifamily dwelling which does not
130 7 hold itself out to the public as a community=based residential
130 8 provider otherwise regulated by law including but not limited
130 9 to a residential care facility, and which provides dwelling
130 10 units to no more than four recipients of services under a home
130 11 and community=based services waiver at any one time.

130 12 4. For the purposes of this section, "home and
130 13 community=based services waiver" means "waiver" as defined in

130 14 section 249A.29.

130 15 Sec. 132. EFFECTIVE DATE. This division of this Act,
130 16 being deemed of immediate importance, takes effect upon
130 17 enactment.

130 18 DIVISION XIV

130 19 NATIONAL DISASTER MEDICAL SYSTEM == EMPLOYMENT
130 20 PROTECTION

130 21 Sec. 133. Section 29A.28, subsection 1, Code 2007, is
130 22 amended to read as follows:

130 23 1. All officers and employees of the state, or a
130 24 subdivision thereof, or a municipality other than employees
130 25 employed temporarily for six months or less, who are members
130 26 of the national guard, organized reserves or any component
130 27 part of the military, naval, or air forces or nurse corps of
130 28 this state or nation, or who are or may be otherwise inducted
130 29 into the military service of this state or of the United
130 30 States, or who are members of the civil air patrol, shall,
130 31 when ordered by proper authority to state active duty, state
130 32 military service, or federal service, or when performing a
130 33 civil air patrol mission pursuant to section 29A.3A, be
130 34 entitled to a leave of absence from such civil employment for
130 35 the period of state active duty, state military service,
131 1 federal service, or civil air patrol duty without loss of
131 2 status or efficiency rating, and without loss of pay during
131 3 the first thirty days of such leave of absence. Where state
131 4 active duty, state military service, federal service, or civil
131 5 air patrol duty is for a period of less than thirty days, a
131 6 leave of absence under this section shall only be required for
131 7 those days that the civil employee would normally perform
131 8 services for the state, subdivision of the state, or a
131 9 municipality. The provisions of this section shall also apply
131 10 to a leave of absence by a member of the national disaster
131 11 medical system of the United States when activated for federal
131 12 service with the system.

131 13 Sec. 134. EFFECTIVE DATE. This division of this Act,
131 14 being deemed of immediate importance, takes effect upon
131 15 enactment and is applicable on and after that date.

131 16 Sec. 135. IMPLEMENTATION OF ACT. Section 25B.2,
131 17 subsection 3, Code 2007, shall not apply to this division of
131 18 this Act.

131 19 DIVISION XV

131 20 ENERGY UTILITY ASSESSMENT AND
131 21 RESOLUTION PROGRAM

131 22 Sec. 136. NEW SECTION. 216A.104 ENERGY UTILITY
131 23 ASSESSMENT AND RESOLUTION PROGRAM.

131 24 1. The general assembly finds that provision of assistance
131 25 to prevent utility disconnections will also prevent the
131 26 development of public health risks due to such disconnections.
131 27 The division shall establish an energy utility assessment and
131 28 resolution program administered by each community action
131 29 agency for persons with low incomes who have or need a
131 30 deferred payment agreement or are in need of an emergency fuel
131 31 delivery to address home energy utility costs.

131 32 2. A person must meet all of the following requirements to
131 33 be eligible for the program:

131 34 a. The person is eligible for the federal low-income home
131 35 energy assistance program.

132 1 b. The person is a residential customer of an energy
132 2 utility approved for the program by the division.

132 3 c. The person has or is in need of a deferred payment
132 4 agreement to address the person's home energy utility costs.

132 5 d. The person is able to maintain or regain residential
132 6 energy utility service in the person's own name.

132 7 e. The person provides the information necessary to
132 8 determine the person's eligibility for the program.

132 9 f. The person complies with other eligibility requirements
132 10 adopted in rules by the division.

132 11 3. The program components shall include but are not
132 12 limited to all of the following:

132 13 a. Analysis of a program participant's current financial
132 14 situation.

132 15 b. Review of a program participant's resource and money
132 16 management options.

132 17 c. Skills development and assistance for a program
132 18 participant in negotiating a deferred payment agreement with
132 19 the participant's energy utility.

132 20 d. Development of a written household energy affordability
132 21 plan.

132 22 e. Provision of energy conservation training and
132 23 assistance.

132 24 f. A requirement that a program participant must make

132 25 uninterrupted, regular utility payments while participating in
132 26 the program.

132 27 4. The division shall implement accountability measures
132 28 for the program and require regular reporting on the measures
132 29 by the community action agencies.

132 30 5. The division shall implement the program statewide,
132 31 subject to the funding made available for the program.

132 32 DIVISION XVI

132 33 PASSPORT SANCTIONS

132 34 Sec. 137. Section 252B.5, subsection 11, paragraph a, Code
132 35 2007, is amended to read as follows:

133 1 a. Comply with federal procedures to periodically certify
133 2 to the secretary of the United States department of health and
133 3 human services, a list of the names of obligors determined by
133 4 the unit to owe delinquent support, under a support order as
133 5 defined in section 252J.1, in excess of ~~five two thousand five~~
133 6 hundred dollars. The certification of the delinquent amount
133 7 owed may be based upon one or more support orders being
133 8 enforced by the unit if the delinquent support owed exceeds
133 9 ~~five two thousand five hundred~~ dollars. The certification
133 10 shall include any amounts which are delinquent pursuant to the
133 11 periodic payment plan when a modified order has been
133 12 retroactively applied. The certification shall be in a format
133 13 and shall include any supporting documentation required by the
133 14 secretary.

133 15 Sec. 138. Section 252B.5, subsection 11, paragraph b,
133 16 subparagraph (1), subparagraph subdivision (b), Code 2007, is
133 17 amended to read as follows:

133 18 (b) A statement providing information that if the
133 19 delinquency is in excess of ~~five two thousand five hundred~~
133 20 dollars, the United States secretary of state may apply a
133 21 passport sanction by revoking, restricting, limiting, or
133 22 refusing to issue a passport as provided in 42 U.S.C. }
133 23 652(k).

133 24 Sec. 139. Section 252B.5, subsection 11, paragraph b,
133 25 subparagraph (2), subparagraph subdivision (a), unnumbered
133 26 paragraph 1, Code 2007, is amended to read as follows:

133 27 A challenge shall be based upon mistake of fact. For the
133 28 purposes of this subsection, "mistake of fact" means a mistake
133 29 in the identity of the obligor or a mistake in the amount of
133 30 the delinquent child support owed if the amount did not exceed
133 31 ~~five two thousand five hundred~~ dollars on the date of the
133 32 unit's decision on the challenge.

133 33 Sec. 140. Section 252B.5, subsection 11, paragraph c, Code
133 34 2007, is amended to read as follows:

133 35 c. Following certification to the secretary, if the unit
134 1 determines that an obligor no longer owes delinquent support
134 2 in excess of ~~five two thousand five hundred~~ dollars, the unit
134 3 shall provide information and notice as the secretary requires
134 4 to withdraw the certification for passport sanction.

134 5 Sec. 141. EFFECTIVE DATE. This division of this Act takes
134 6 effect October 1, 2007.

134 7 DIVISION XVII

134 8 MANDATORY REVIEW AND ADJUSTMENT

134 9 OF CHILD SUPPORT ORDERS

134 10 Sec. 142. Section 252B.26, Code 2007, is amended to read
134 11 as follows:

134 12 252B.26 SERVICE OF PROCESS.

134 13 Notwithstanding any provision of law to the contrary, the
134 14 unit may serve a petition, notice, or rule to show cause under
134 15 chapter 252A, 252C, 252F, 252H, 252K, 598, or 665 as specified
134 16 in each chapter, or as follows:

134 17 1. The unit may serve a petition, notice, or rule to show
134 18 cause by certified mail. Return acknowledgment is required to
134 19 prove service by certified mail, rules of civil procedure
134 20 1.303(5) and 1.308(5) shall not apply, and the return
134 21 acknowledgment shall be filed with the clerk of court.

134 22 2. The unit may serve a notice of intent under chapter
134 23 252H, or a notice of decision under section 252H.14A, upon any
134 24 party or parent who is receiving family investment program
134 25 assistance for the parent or child by sending the notice by
134 26 regular mail to the address maintained by the department.
134 27 Rules of civil procedure 1.303(5) and 1.308(5) shall not apply
134 28 and the unit shall file proof of service as provided in
134 29 chapter 252H. If the notice is determined to be
134 30 undeliverable, the unit shall serve the notice as otherwise
134 31 provided in this section or by personal service.

134 32 Sec. 143. Section 252H.7, subsection 2, unnumbered
134 33 paragraph 1, Code 2007, is amended to read as follows:

134 34 A parent may waive the postreview waiting period provided
134 35 for in section 252H.8, subsection 1A or 6, for a court hearing

135 1 or in section 252H.17 for requesting of a second review.
135 2 Sec. 144. Section 252H.8, subsection 1, Code 2007, is
135 3 amended to read as follows:
135 4 1. For actions initiated under ~~subchapter II~~ section
135 5 252H.15, either parent or the unit may request a court hearing
135 6 within thirty days from the date of issuance of the notice of
135 7 decision under section 252H.16, or within ten days of the date
135 8 of issuance of the second notice of decision under section
135 9 252H.17, whichever is later.
135 10 Sec. 145. Section 252H.8, Code 2007, is amended by adding
135 11 the following new subsection:
135 12 NEW SUBSECTION. 1A. For actions initiated under section
135 13 252H.14A, either parent or the unit may request a court
135 14 hearing within ten days of the issuance of the second notice
135 15 of decision under section 252H.17.
135 16 Sec. 146. Section 252H.8, subsection 4, paragraph b, Code
135 17 2007, is amended to read as follows:
135 18 b. The return of service, proof of service, acceptance of
135 19 service, or signed statement by the parent requesting review
135 20 and adjustment or requesting modification, waiving service of
135 21 the notice.
135 22 Sec. 147. Section 252H.8, subsection 6, Code 2007, is
135 23 amended to read as follows:
135 24 6. For actions initiated under ~~subchapter II~~ section
135 25 252H.15, a hearing shall not be held for at least thirty-one
135 26 days following the date of issuance of the notice of decision
135 27 unless the parents have jointly waived, in writing, the
135 28 thirty-day postreview period.
135 29 Sec. 148. Section 252H.9, subsection 1, Code 2007, is
135 30 amended to read as follows:
135 31 1. If timely request for a court hearing is not made
135 32 pursuant to section 252H.8, the unit shall prepare and present
135 33 an administrative order for adjustment or modification, as
135 34 applicable, for review and approval, ex parte, to the district
135 35 court where the order to be adjusted or modified is filed.
136 1 Notwithstanding any other law to the contrary, if more than
136 2 one support order exists involving children with the same
136 3 legally established parents, for the purposes of this
136 4 subsection, the district court reviewing and approving the
136 5 matter shall have jurisdiction over all other support orders
136 6 entered by a court of this state and affected under this
136 7 subsection.
136 8 Sec. 149. Section 252H.10, unnumbered paragraph 1, Code
136 9 2007, is amended to read as follows:
136 10 Pursuant to section 598.21C, any administrative or court
136 11 order resulting from an action initiated under this chapter
136 12 may be made retroactive only ~~to~~ from three months after the
136 13 date that all parties were successfully served the notice
136 14 required under section 252H.14A, 252H.15, or section 252H.19,
136 15 as applicable.
136 16 Sec. 150. Section 252H.11, subsection 2, Code 2007, is
136 17 amended to read as follows:
136 18 2. If the modification action filed by the parent is
136 19 subsequently dismissed before being heard by the court, the
136 20 unit shall continue the action previously initiated under
136 21 subchapter II or III, or initiate a new action as follows:
136 22 a. If the unit previously initiated an action under
136 23 subchapter II, and had not issued a notice of decision as
136 24 required under section 252H.14A or 252H.16, the unit shall
136 25 proceed as follows:
136 26 (1) If notice of intent to review was served ninety days
136 27 or less prior to the date the modification action filed by the
136 28 parent is dismissed, the unit shall complete the review and
136 29 issue the notice of decision.
136 30 (2) If the modification action filed by the parent is
136 31 dismissed more than ninety days after the original notice of
136 32 intent to review was served, the unit shall serve or issue a
136 33 new notice of intent to review and conduct the review.
136 34 (3) If the unit initiated a review under section 252H.14A,
136 35 the unit may issue the notice of decision.
137 1 b. If the unit previously initiated an action under
137 2 subchapter II and had issued the notice of decision as
137 3 required under section 252H.14A or 252H.16, the unit shall
137 4 proceed as follows:
137 5 (1) If the notice of decision was issued ninety days or
137 6 less prior to the date the modification action filed by the
137 7 parent is dismissed, the unit shall request, obtain, and
137 8 verify any new or different information concerning the
137 9 financial circumstances of the parents and issue a revised
137 10 notice of decision to each parent, or if applicable, to the
137 11 parent's attorney.

137 12 (2) If the modification action filed by the parent is
137 13 dismissed more than ninety days after the date of issuance of
137 14 the notice of decision, the unit shall serve or issue a new
137 15 notice of intent to review pursuant to section 252H.15 and
137 16 conduct a review pursuant to section 252H.16, or conduct a
137 17 review and serve a new notice of decision under section
137 18 252H.14A.

137 19 c. If the unit previously initiated an action under
137 20 subchapter III, the unit shall proceed as follows:

137 21 (1) If the modification action filed by the parent is
137 22 dismissed more than ninety days after the original notice of
137 23 intent to modify was served, the unit shall serve a new notice
137 24 of intent to modify pursuant to section 252H.19.

137 25 (2) If the modification action filed by the parent is
137 26 dismissed ninety days or less after the original notice of
137 27 intent to modify was served, the unit shall complete the
137 28 original modification action initiated by the unit under this
137 29 subchapter.

137 30 (3) Each parent shall be allowed at least twenty days from
137 31 the date the administrative modification action is reinstated
137 32 to request a court hearing as provided for in section 252H.8.

137 33 Sec. 151. NEW SECTION. 252H.14A REVIEWS INITIATED BY THE
137 34 CHILD SUPPORT RECOVERY UNIT == ABBREVIATED METHOD.

137 35 1. Notwithstanding section 252H.15, to assist the unit in
138 1 meeting the requirement for reviews and adjustments under the
138 2 federal Deficit Reduction Act of 2005, Pub. L. No. 109=171,
138 3 the unit may use procedures under this section to review a
138 4 support order if all the following apply:

138 5 a. The right to ongoing child support is assigned to the
138 6 state of Iowa due to the receipt of family investment program
138 7 assistance, and a review of the support order is required
138 8 under section 7302 of the federal Deficit Reduction Act of
138 9 2005, Pub. L. No. 109=171.

138 10 b. The unit has access to information concerning the
138 11 financial circumstances of each parent and one of the
138 12 following applies:

138 13 (1) The parent is a recipient of family investment program
138 14 assistance, medical assistance, or food assistance from the
138 15 department.

138 16 (2) The parent's income is from supplemental security
138 17 income paid pursuant to 42 U.S.C. } 1381a.

138 18 (3) The parent is a recipient of disability benefits under
138 19 the Act because of the parent's disability.

138 20 (4) The parent is an inmate of an institution under the
138 21 control of the department of corrections.

138 22 2. If the conditions of subsection 1 are met, the unit may
138 23 conduct a review and determine whether an adjustment is
138 24 appropriate using information accessible by the unit without
138 25 issuing a notice under section 252H.15 or requesting
138 26 additional information from the parent.

138 27 3. Upon completion of the review, the unit shall issue a
138 28 notice of decision to each parent, or if applicable, to each
138 29 parent's attorney. The notice shall be served in accordance
138 30 with the rules of civil procedure or as provided in section
138 31 252B.26.

138 32 4. All of the following shall be included in the notice of
138 33 decision:

138 34 a. The legal basis and purpose of the action, including an
138 35 explanation of the procedures for determining child support,
139 1 the criteria for determining the appropriateness of an
139 2 adjustment, and a statement that the unit used the child
139 3 support guidelines established pursuant to section 598.21B and
139 4 the provisions for medical support pursuant to chapter 252E.

139 5 b. Information sufficient to identify the affected parties
139 6 and the support order or orders affected.

139 7 c. An explanation of the legal rights and responsibilities
139 8 of the affected parties, including time frames in which the
139 9 parties must act.

139 10 d. A statement indicating whether the unit finds that an
139 11 adjustment is appropriate and the basis for the determination.

139 12 e. Procedures for contesting the action, including that if
139 13 a parent requests a second review both parents will be
139 14 requested to submit financial or income information as
139 15 necessary for application of the child support guidelines
139 16 established pursuant to section 598.21B.

139 17 f. Other information as appropriate.
139 18 5. Section 252H.16, subsection 5, regarding a revised
139 19 notice of decision shall apply to a notice of decision issued
139 20 under this section.

139 21 6. Each parent shall have the right to challenge the
139 22 notice of decision issued under this section by requesting a

139 23 second review by the unit as provided in section 252H.17. If
139 24 there is no new or different information to consider for the
139 25 second review, the unit shall issue a second notice of
139 26 decision based on prior information. Each parent shall have
139 27 the right to challenge the second notice of decision by
139 28 requesting a court hearing as provided in section 252H.8.
139 29 Sec. 152. Section 252H.15, subsection 1, Code 2007, is
139 30 amended to read as follows:

139 31 1. ~~Prior~~ Unless an action is initiated under section
139 32 252H.14A, prior to conducting a review of a support order, the
139 33 unit shall issue a notice of intent to review and adjust to
139 34 each parent, or if applicable, to each parent's attorney.
139 35 However, notice to a child support agency or an agency
140 1 entitled to receive child or medical support payments as the
140 2 result of an assignment of support rights is not required.

140 3 Sec. 153. Section 252H.16, subsection 1, Code 2007, is
140 4 amended to read as follows:

140 5 1. ~~The~~ For actions initiated under section 252H.15, the
140 6 unit shall conduct the review and determine whether an
140 7 adjustment is appropriate. As necessary, the unit shall make
140 8 a determination of the controlling order or the amount of
140 9 delinquent support due based upon the receipt of social
140 10 security disability payments as provided in sections 598.22
140 11 and 598.22C.

140 12 Sec. 154. Section 252H.17, subsections 1, 2, and 6, Code
140 13 2007, are amended to read as follows:

140 14 1. Each parent shall have the right to challenge the
140 15 notice of decision issued under section 252H.14A or 252H.16,
140 16 by requesting a second review by the unit.

140 17 2. A challenge shall be submitted, in writing, to the
140 18 local child support office that issued the notice of decision,
140 19 within thirty days of service of the notice of decision under
140 20 section 252H.14A or within ten days of the issuance of the
140 21 notice of decision under section 252H.16.

140 22 6. The unit shall conduct a second review, utilizing any
140 23 new or additional information provided or available since
140 24 issuance of the notice of decision under section 252H.14A or
140 25 under section 252H.16, to determine whether an adjustment is
140 26 appropriate.

140 27 Sec. 155. RULES. Until the department of human services
140 28 amends rules pursuant to chapter 17A necessary to conform with
140 29 this Act, any existing rule relating to review and adjustment
140 30 of support orders shall also apply to reviews initiated under
140 31 section 252H.14A, as created in this Act, except that a
140 32 provision for a time limit, notice, or other procedure which
140 33 conflicts with a provision of this Act shall not apply.

140 34 Sec. 156. EFFECTIVE DATE. This division of this Act takes
140 35 effect October 1, 2007.

141 1 DIVISION XVIII
141 2 MEDICAL SUPPORT

141 3 Sec. 157. Section 252B.5, subsection 2, Code 2007, is
141 4 amended to read as follows:

141 5 2. Aid in establishing paternity and securing a court or
141 6 administrative order for support pursuant to chapter 252A,
141 7 252C, 252F, or 600B, or any other chapter providing for the
141 8 establishment of paternity or support. In an action to
141 9 establish support, the resident parent may be a proper party
141 10 defendant for purposes of determining medical support as
141 11 provided in section 252E.1A. The unit's independent cause of
141 12 action shall not bar a party from seeking support in a
141 13 subsequent proceeding.

141 14 Sec. 158. Section 252C.1, subsection 6, Code 2007, is
141 15 amended to read as follows:

141 16 6. "Medical support" means either the provision of
141 17 coverage under a health benefit plan, including a group or
141 18 employment-related or an individual health benefit plan, or a
141 19 health benefit plan provided pursuant to chapter 514E, to meet
141 20 the medical needs of a dependent and the cost of any premium
141 21 required by a health benefit plan, or the payment to the
141 22 obligee of a monetary amount in lieu of providing coverage
141 23 under a health benefit plan, either of which is an obligation
141 24 separate from any monetary amount of child support ordered to
141 25 be paid. "Medical support" which consists of payment of a
141 26 monetary amount in lieu of a health benefit plan is also an
141 27 obligation separate from any monetary amount a parent is
141 28 ordered to pay for uncovered medical expenses pursuant to the
141 29 guidelines established pursuant to section 598.21B.

141 30 Sec. 159. Section 252C.3, subsection 1, unnumbered
141 31 paragraph 1, Code 2007, is amended to read as follows:

141 32 The administrator may issue a notice stating the intent to
141 33 secure an order for either ~~payment of~~ medical support

141 34 established as defined provided in chapter 252E or payment of
141 35 an accrued or accruing support debt due and owed to the
142 1 department or an individual under section 252C.2, or both.
142 2 The notice shall be served upon the responsible person in
142 3 accordance with the rules of civil procedure. The notice
142 4 shall include all of the following:

142 5 Sec. 160. Section 252C.3, subsection 1, paragraph c,
142 6 subparagraph (1), Code 2007, is amended to read as follows:

142 7 (1) A statement that if the responsible person desires to
142 8 discuss the amount of support that ~~the~~ a responsible person
142 9 should be required to pay, the responsible person may, within
142 10 ten days after being served, contact the office of the child
142 11 support recovery unit which sent the notice and request a
142 12 negotiation conference.

142 13 Sec. 161. Section 252C.12, subsection 2, Code 2007, is
142 14 amended to read as follows:

142 15 2. Upon receipt of a signed statement from ~~the~~ each
142 16 responsible person waiving the time limitations established in
142 17 section 252C.3, the administrator may proceed to enter an
142 18 order for support and the court may approve the order, whether
142 19 or not the time limitations have expired.

142 20 Sec. 162. Section 252D.18A, Code 2007, is amended to read
142 21 as follows:

142 22 252D.18A MULTIPLE INCOME WITHHOLDING ORDERS == ORDERS FOR
142 23 HEALTH BENEFIT PLANS == AMOUNTS WITHHELD BY PAYOR.

142 24 When the obligor ~~is responsible for paying~~ has more than
142 25 one support obligation ~~and or~~ the payor of income has received
142 26 more than one ~~income withholding order or notice of an order~~
142 27 for the obligor for income withholding or for coverage under a
142 28 health benefit plan pursuant to chapter 252E, the payor shall

142 29 withhold amounts in accordance with all of the following:

142 30 1. The total of all amounts withheld shall not exceed the
142 31 amounts specified in 15 U.S.C. } 1673(b). For orders or
142 32 notices issued by the child support recovery unit, the limit
142 33 for the amount to be withheld shall be specified in the order
142 34 or notice.

142 35 2. As reimbursement for the payor's processing costs, the
143 1 payor may deduct a fee of no more than two dollars for each
143 2 payment withheld in addition to the amount withheld for
143 3 support.

143 4 3. Priority shall be given to the withholding of current
143 5 support ~~rather than delinquent support~~. The payor shall not
143 6 allocate amounts withheld in a manner which results in the
143 7 failure to withhold an amount for one or more of the current
143 8 child or spousal support obligations. If the limits specified
143 9 in subsection 1 prevent withholding the full amount specified
143 10 in the order or notice, the payor shall withhold amounts in
143 11 the following priority:

143 12 a. Withhold the amount specified for current child and
143 13 spousal support. To arrive at the amount to be withheld for
143 14 each obligee, the payor shall total the amounts due for
143 15 current child and spousal support under the income withholding
143 16 orders and the notices of orders and determine the
143 17 proportionate share for each obligee. The proportionate share
143 18 shall be determined by dividing the amount due for current
143 19 child and spousal support for each order or notice of order by
143 20 the total due for current child and spousal support for all
143 21 orders and notices of orders. The results are the percentages
143 22 of the obligor's net income which shall be withheld for each
143 23 obligee.

143 24 b. If, after completing the calculation in paragraph "a",
143 25 the withholding limit specified under subsection 1 has not
143 26 been attained, the payor shall withhold the amount necessary
143 27 to comply with an order or notice of order for a current
143 28 premium for coverage of a child under a health benefit plan as
143 29 provided in section 252D.30 or section 252E.1A, subsection 2,
143 30 or for a current monetary amount for the child for medical
143 31 support. If there is more than one medical support order or
143 32 notice of order for a current monetary amount for a child, the
143 33 payor shall total the amounts due for current monetary amounts
143 34 for all children for medical support and determine the
143 35 proportionate share for each obligee. The proportionate
144 1 amounts shall be established utilizing the procedures
144 2 established in paragraph "a" for current child and spousal
144 3 support obligations.

144 4 ~~b- c.~~ If, after completing the ~~calculation~~ calculations
144 5 in ~~paragraph~~ paragraphs "a" and "b", the withholding limit
144 6 specified under subsection 1 has not been attained, the payor
144 7 shall total the amounts due for arrearages and determine the
144 8 proportionate share for each obligee. The proportionate share
144 9 amounts shall be established utilizing the procedures

144 10 established in paragraph "a" for current child and spousal
144 11 support obligations.
144 12 d. If after completing the calculations in paragraphs "a",
144 13 "b", and "c", the withholding limit specified in subsection 1
144 14 has not been attained, the payor shall withhold the amount
144 15 necessary for other child support obligations, unless the
144 16 order or notice directs otherwise as provided by Title IV,
144 17 part D, of the federal Social Security Act.

144 18 4. The payor shall identify and report payments by the
144 19 obligor's name, account number, amount, and date withheld
144 20 pursuant to section 252D.17. ~~Until October 1, 1999, if~~
144 21 ~~payments for multiple obligees are combined, the portion of~~
144 22 ~~the payment attributable to each obligee shall be specifically~~
144 23 ~~identified. Beginning October 1, 1999, if~~ If payments for
144 24 multiple obligees are combined, the portion of the payment
144 25 attributable to each obligee shall be specifically identified
144 26 only if the payor is directed to do so by the child support
144 27 recovery unit.

144 28 Sec. 163. Section 252E.1, subsection 9, Code 2007, is
144 29 amended to read as follows:

144 30 9. "Medical support" means either the provision of a
144 31 health benefit plan, including a group or employment-related
144 32 or an individual health benefit plan, or a health benefit plan
144 33 provided pursuant to chapter 514E, to meet the medical needs
144 34 of a dependent and the cost of any premium required by a
144 35 health benefit plan, or the payment to the obligee of a
145 1 monetary amount in lieu of a health benefit plan, either of
145 2 which is an obligation separate from any monetary amount of
145 3 child support ordered to be paid. Medical support is not
145 4 alimony. "Medical support" which consists of payment of a
145 5 monetary amount in lieu of a health benefit plan is also an
145 6 obligation separate from any monetary amount a parent is
145 7 ordered to pay for uncovered medical expenses pursuant to the
145 8 guidelines established pursuant to section 598.21B.

145 9 Sec. 164. NEW SECTION. 252E.1A ESTABLISHING AND
145 10 MODIFYING ORDERS FOR MEDICAL SUPPORT.

145 11 This section shall apply to all initial or modified orders
145 12 for support entered under chapter 234, 252A, 252C, 252F, 252H,
145 13 598, 600B, or any other applicable chapter.

145 14 1. An order or judgment that provides for temporary or
145 15 permanent support for a child shall include a provision for
145 16 medical support for the child as provided in this section.

145 17 2. The court shall order as medical support for the child
145 18 a health benefit plan if available to either parent at the
145 19 time the order is entered or modified. A plan is available if
145 20 the plan is accessible and the cost of the plan is reasonable.

145 21 a. The cost of a health benefit plan is considered
145 22 reasonable, and such amount shall be stated in the order, if
145 23 one of the following applies:

145 24 (1) The premium cost for a child to the parent ordered to
145 25 provide the plan does not exceed five percent of that parent's
145 26 gross income.

145 27 (2) The premium cost for a child exceeds five percent of
145 28 the gross income of the parent ordered to provide the plan and
145 29 that parent consents or does not object to entry of that
145 30 order.

145 31 b. For purposes of this section, "gross income" has the
145 32 same meaning as gross income for calculation of support under
145 33 the guidelines established under section 598.21B.

145 34 c. For purposes of this section, the premium cost for a
145 35 child to the parent ordered to provide the plan means the
146 1 amount of the premium cost for family coverage to the parent
146 2 which is in excess of the premium cost for single coverage,
146 3 regardless of the number of individuals covered under the
146 4 plan. However, this paragraph shall not be interpreted to
146 5 reduce the amount of the health insurance premium deduction a
146 6 parent may be entitled to when calculating the amount of a
146 7 child support obligation under Iowa court rule 9.5 of the
146 8 child support guidelines.

146 9 3. If a health benefit plan is not available at the time
146 10 of the entry of the order, the court shall order a reasonable
146 11 monetary amount in lieu of a health benefit plan, which amount
146 12 shall be stated in the order. For purposes of this
146 13 subsection, a reasonable amount means five percent of the
146 14 gross income of the parent ordered to provide the monetary
146 15 amount for medical support. This subsection shall not apply
146 16 in any of the following circumstances:

146 17 a. If the parent's monthly support obligation established
146 18 pursuant to the child support guidelines prescribed by the
146 19 supreme court pursuant to section 598.21B is the minimum
146 20 obligation amount.

146 21 b. If subsection 7, paragraph "e" applies.
146 22 4. If the court orders the custodial parent to provide a
146 23 health benefit plan under subsection 2, the court may also
146 24 order the noncustodial parent to provide a reasonable monetary
146 25 amount in lieu of a health benefit plan. For purposes of this
146 26 subsection, a reasonable monetary amount means an amount not
146 27 to exceed the lesser of a reasonable amount as described in
146 28 subsection 3, or the premium cost of coverage for the child to
146 29 the custodial parent as described in subsection 2, paragraph
146 30 "c".
146 31 5. Notwithstanding the requirements of this section, the
146 32 court may order provisions in the alternative to those
146 33 provided in this section to address the health care needs of
146 34 the child if the court determines that extreme circumstances
146 35 so require and documents the court's written findings in the
147 1 order.
147 2 6. An order, decree, or judgment entered before March 1,
147 3 2008, that provides for the support of a child may be modified
147 4 in accordance with this section.
147 5 7. If the child support recovery unit is providing
147 6 services under chapter 252B and initiating an action to
147 7 establish or modify support, all the following shall also
147 8 apply:
147 9 a. If a health benefit plan is available as described in
147 10 subsection 2 to the noncustodial parent, the unit shall seek
147 11 an order for the noncustodial parent to provide the plan.
147 12 b. If a health benefit plan is available as described in
147 13 subsection 2 to the custodial parent and not to the
147 14 noncustodial parent, the unit shall seek an order for the
147 15 custodial parent to provide the plan.
147 16 c. If a health benefit plan is available as described in
147 17 subsection 2 to each parent, and if there is an order for
147 18 joint physical care, the unit shall seek an order for the
147 19 parent currently ordered to provide a health benefit plan to
147 20 provide the plan. If there is no current order for a health
147 21 benefit plan for the child, the unit shall seek an order for
147 22 the parent who is currently providing a health benefit plan to
147 23 provide the plan.
147 24 d. If a health benefit plan is not available, and the
147 25 noncustodial parent does not have income which may be subject
147 26 to income withholding for collection of a reasonable monetary
147 27 amount in lieu of a health benefit plan at the time of the
147 28 entry of the order, the unit shall seek an order that the
147 29 noncustodial parent provide a health benefit plan when a plan
147 30 becomes available at reasonable cost, and the order shall
147 31 specify the amount of reasonable cost as defined in subsection
147 32 2.
147 33 e. This section shall not apply to chapter 252H,
147 34 subchapter IV.
147 35 Sec. 165. NEW SECTION. 252E.2A SATISFACTION OF MEDICAL
148 1 SUPPORT ORDER.
148 2 This section shall apply if the child support recovery unit
148 3 is providing services under chapter 252B.
148 4 1. Notwithstanding any law to the contrary and without a
148 5 court order, a medical support order for a child shall be
148 6 deemed satisfied with regard to the department, the child, the
148 7 obligor, and the obligee for the period during which all the
148 8 following conditions are met:
148 9 a. The order is issued under any applicable chapter of the
148 10 Code.
148 11 b. The unit is notified that the conditions of paragraph
148 12 "c" are met and there is a pending action to establish or
148 13 modify support initiated by the unit, or the parent ordered to
148 14 provide medical support submits a written statement to the
148 15 unit that the requirements of paragraph "c" are met.
148 16 c. The parent ordered to provide medical support or the
148 17 parent from whom the unit is seeking to establish or modify
148 18 medical support meets at least one of the following
148 19 conditions:
148 20 (1) The parent is an inmate of an institution under the
148 21 control of the department of corrections or a comparable
148 22 institution in another state.
148 23 (2) The parent's monthly child support obligation under
148 24 the guidelines established pursuant to section 598.21B is the
148 25 minimum obligation amount.
148 26 (3) The parent is a recipient of assistance under chapter
148 27 239B or 249A, or under comparable laws of another state.
148 28 (4) The parent is residing with any child for whom the
148 29 parent is legally responsible and that child is a recipient of
148 30 assistance under chapter 239B, 249A, or 514I, or under
148 31 comparable laws of another state. For purposes of this

148 32 subparagraph, "legally responsible" means the parent has a
148 33 legal obligation to the child as specified in Iowa court rule
148 34 9.7 of the child support guidelines.

148 35 d. The unit files a notice of satisfaction with the clerk
149 1 of the district court. The effective date of the satisfaction
149 2 shall be stated in the notice and the effective date shall be
149 3 no later than forty-five days after the unit issues the notice
149 4 of satisfaction.

149 5 2. If a medical support order is satisfied under
149 6 subsection 1, the satisfaction shall continue until all of the
149 7 following apply:

149 8 a. The unit is notified that none of the conditions
149 9 specified in subsection 1, paragraph "c", still applies.

149 10 b. The unit files a satisfaction termination notice that
149 11 the requirements for a satisfaction under this section no
149 12 longer apply. The effective date shall be stated in the
149 13 satisfaction termination notice and the effective date shall
149 14 be no later than forty-five days after the unit issues the
149 15 satisfaction termination notice.

149 16 3. The unit shall mail a copy of the notice of
149 17 satisfaction and the satisfaction termination notice to the
149 18 last known address of the obligor and obligee.

149 19 4. The department of human services may match data for
149 20 enrollees of the hawk-i program created pursuant to chapter
149 21 514I with data of the unit to assist the unit in implementing
149 22 this section.

149 23 5. An order, decree, or judgment entered or pending on or
149 24 before March 1, 2008, that provides for the support of a child
149 25 may be satisfied as provided in this section.

149 26 Sec. 166. Section 252E.4, subsection 1, Code 2007, is
149 27 amended to read as follows:

149 28 1. When a support order requires an obligor to provide
149 29 coverage under a health benefit plan, the district court or
149 30 the department may enter an ex parte order directing an
149 31 employer to take all actions necessary to enroll an obligor's
149 32 dependent for coverage under a health benefit plan or may
149 33 include the provisions in an ex parte income withholding order
149 34 or notice of income withholding pursuant to chapter 252D. The
149 35 child support recovery unit, where appropriate, shall issue a
150 1 national medical support notice to an employer within two
150 2 business days after the date information regarding a newly
150 3 hired employee is entered into the centralized employee
150 4 registry and matched with a noncustodial parent in the case
150 5 being enforced by the unit, or upon receipt of other
150 6 employment information for such parent. The department may
150 7 amend the information in the ex parte order or may amend or
150 8 terminate the national medical support notice regarding health
150 9 insurance provisions if necessary to comply with health
150 10 insurance requirements including but not limited to the
150 11 provisions of section 252E.2, subsection 2, or to correct a
150 12 mistake of fact.

150 13 Sec. 167. Section 252E.5, subsection 3, Code 2007, is
150 14 amended to read as follows:

150 15 3. The employer shall withhold from the employee's
150 16 compensation, the employee's share, if any, of premiums for
150 17 the health benefit plan in an amount that does not exceed the
150 18 amount specified in the national medical support notice or
150 19 order or the amount specified in 15 U.S.C. } 1673(b) and which
150 20 is consistent with federal law. The employer shall forward
150 21 the amount withheld to the insurer. If the employee has more
150 22 than one obligation and if there is insufficient compensation
150 23 available to meet the employee's share necessary for coverage
150 24 of the child under a health benefit plan as required under
150 25 this section or section 252D.30, and to comply with an order
150 26 to withhold or notice under section 252D.17, the employer
150 27 shall allocate the funds available in accordance with section
150 28 252D.18A.

150 29 Sec. 168. Section 252F.1, Code 2007, is amended by adding
150 30 the following new subsection:

150 31 NEW SUBSECTION. 3A. "Party" means a putative father or a
150 32 mother.

150 33 Sec. 169. Section 252F.3, subsection 1, unnumbered
150 34 paragraph 1, Code 2007, is amended to read as follows:

150 35 The unit may prepare a notice of alleged paternity and
151 1 support debt to be served on the putative father a party if
151 2 the mother of the child provides a written statement to the
151 3 unit certifying in accordance with section 622.1 that the
151 4 putative father is or may be the biological father of the
151 5 child or children involved. The notice shall be accompanied
151 6 by a copy of the statement and served on the putative father
151 7 in accordance with rule of civil procedure 1.305. Service

151 8 upon the mother shall not constitute valid service upon the
151 9 putative father. The notice shall include or be accompanied
151 10 by all of the following:
151 11 Sec. 170. Section 252F.3, subsection 1, paragraphs d, f,
151 12 g, h, j, k, and m, Code 2007, are amended to read as follows:
151 13 d. A statement that if paternity is established, ~~the~~
151 14 ~~putative father a party~~ has a duty to provide accrued and
151 15 accruing medical support to the child or children in
151 16 accordance with chapter 252E.
151 17 f. (1) The right of ~~the putative father a party~~ to
151 18 request a conference with the unit to discuss paternity
151 19 establishment and the amount of support that ~~the putative~~
151 20 ~~father a party~~ may be required to ~~pay provide~~, within ten days
151 21 of the date of service of the original notice or, if paternity
151 22 is contested and paternity testing is conducted, within ten
151 23 days of the date the paternity test results are issued or
151 24 mailed to ~~the putative father a party~~ by the unit.
151 25 (2) A statement that if a conference is requested, ~~the~~
151 26 ~~putative father a party~~ shall have one of the following time
151 27 frames, whichever is the latest, to send a written request for
151 28 a court hearing on the issue of support to the unit:
151 29 (a) Ten days from the date set for the conference.
151 30 (b) Twenty days from the date of service of the original
151 31 notice.
151 32 (c) If paternity was contested and paternity testing was
151 33 conducted, and ~~the putative father a party~~ does not deny
151 34 paternity after the testing or challenge the paternity test
151 35 results, twenty days from the date paternity test results are
152 1 issued or mailed by the unit to the ~~putative father party~~.
152 2 (3) A statement that after the holding of the conference,
152 3 the unit shall issue a new notice of alleged paternity and
152 4 finding of financial responsibility for child support or
152 5 medical support, or both, to be provided in person to ~~the~~
152 6 ~~putative father each party~~ or sent to ~~the putative father each~~
152 7 ~~party~~ by regular mail addressed to the ~~putative father's~~
152 8 ~~party's~~ last known address or, if applicable, to the last
152 9 known address of the ~~putative father's party's~~ attorney.
152 10 (4) A statement that if the unit issues a new notice of
152 11 alleged paternity and finding of financial responsibility for
152 12 child support or medical support, or both, ~~the putative father~~
152 13 ~~a party~~ shall have one of the following time frames, whichever
152 14 is the latest, to send a written request for a court hearing
152 15 on the issue of support to the unit:
152 16 (a) Ten days from the date of issuance of the new notice.
152 17 (b) Twenty days from the date of service of the original
152 18 notice.
152 19 (c) If paternity was contested and paternity testing
152 20 conducted, and ~~the putative father a party~~ does not deny
152 21 paternity after the testing or challenge the paternity test
152 22 results, twenty days from the date the paternity test results
152 23 are issued or mailed to the ~~putative father party~~ by the unit.
152 24 g. A statement that if a conference is not requested, and
152 25 ~~the putative father a party~~ does not deny paternity or
152 26 challenge the results of any paternity testing conducted but
152 27 objects to the finding of financial responsibility or the
152 28 amount of child support or medical support, or both, the
152 29 ~~putative father party~~ shall send a written request for a court
152 30 hearing on the issue of support to the unit within twenty days
152 31 of the date of service of the original notice, or, if
152 32 paternity was contested and paternity testing conducted, and
152 33 ~~the putative father a party~~ does not deny paternity after the
152 34 testing or challenge the paternity test results, within twenty
152 35 days from the date the paternity test results are issued or
153 1 mailed to the ~~putative father party~~ by the unit, whichever is
153 2 later.
153 3 h. A statement that if a timely written request for a
153 4 hearing on the issue of support is received by the unit, the
153 5 ~~putative father party~~ shall have the right to a hearing to be
153 6 held in district court and that if no timely written request
153 7 is received and paternity is not contested, the administrator
153 8 shall enter an order establishing the putative father as the
153 9 father of the child or children and establishing child support
153 10 or medical support, or both, in accordance with the notice of
153 11 alleged paternity and support debt.
153 12 j. A written explanation of ~~the putative father's a~~
153 13 ~~party's~~ right to deny paternity, the procedures for denying
153 14 paternity, and the consequences of the denial.
153 15 k. A statement that if ~~the putative father a party~~
153 16 contests paternity, the ~~putative father party~~ shall have
153 17 twenty days from the date of service of the original notice to
153 18 submit a written denial of paternity to the unit.

153 19 m. A statement that if paternity tests are conducted, the
153 20 unit shall provide a copy of the test results to ~~the putative~~
153 21 ~~father each party~~ in person or send a copy to ~~the putative~~
153 22 ~~father each party~~ by regular mail, addressed to the ~~putative~~
153 23 ~~father's party's~~ last known address, or, if applicable, to the
153 24 last known address of the ~~putative father's party's~~ attorney.

153 25 Sec. 171. Section 252F.3, subsection 3, unnumbered
153 26 paragraph 1, Code 2007, is amended to read as follows:

153 27 If notice is served on ~~the putative father a party~~, the
153 28 unit shall file a true copy of the notice and the original
153 29 return of service with the appropriate clerk of the district
153 30 court as follows:

153 31 Sec. 172. Section 252F.3, subsection 4, unnumbered
153 32 paragraph 1, Code 2007, is amended to read as follows:

153 33 A ~~putative father party~~ or the child support recovery unit
153 34 may request a court hearing regarding establishment of
153 35 paternity or a determination of support, or both.

154 1 Sec. 173. Section 252F.3, subsection 4, paragraph c, Code
154 2 2007, is amended to read as follows:

154 3 c. Any objection to the results of paternity tests shall
154 4 be filed no later than twenty days after the date paternity
154 5 test results are issued or mailed to ~~the putative father each~~
154 6 ~~party~~ by the unit. Any objection to paternity test results
154 7 filed by a party more than twenty days after the date
154 8 paternity tests are issued or mailed to the ~~putative father~~
154 9 ~~party~~ by the unit shall not be accepted or considered by the
154 10 court.

154 11 Sec. 174. Section 252F.3, subsection 5, Code 2007, is
154 12 amended to read as follows:

154 13 5. If a timely written response and request for a court
154 14 hearing is not received by the unit and ~~the putative father a~~
154 15 ~~party~~ does not deny paternity, the administrator shall enter
154 16 an order in accordance with section 252F.4.

154 17 Sec. 175. Section 252F.3, subsection 6, paragraphs a, f,
154 18 and m, Code 2007, are amended to read as follows:

154 19 a. If a party contests the establishment of paternity, the
154 20 party shall submit, within twenty days of service of the
154 21 notice on the ~~putative father party~~ under subsection 1, a
154 22 written statement contesting paternity establishment to the
154 23 unit. Upon receipt of a written challenge of paternity
154 24 establishment, or upon initiation by the unit, the
154 25 administrator shall enter ex parte administrative orders
154 26 requiring the mother, child or children involved, and the
154 27 putative father to submit to paternity testing. Either the
154 28 mother or putative father may contest paternity under this
154 29 chapter.

154 30 f. An original copy of the test results shall be filed
154 31 with the clerk of the district court in the county where the
154 32 notice was filed. The child support recovery unit shall issue
154 33 a copy of the filed test results to ~~the putative father and~~
154 34 ~~mother of the child or children each party~~ in person, or by
154 35 regular mail to the last known address of each, or if
155 1 applicable, to the last known address of the attorney for
155 2 each. However, if the action is the result of a request from
155 3 a foreign jurisdiction, the unit shall issue a copy of the
155 4 results to the initiating agency in that foreign jurisdiction.

155 5 m. If the paternity test results exclude the putative
155 6 father as a potential biological father of the child or
155 7 children, and additional tests are not requested by either
155 8 party or conducted on the unit's initiative, or if additional
155 9 tests exclude the putative father as a potential biological
155 10 father, the unit shall withdraw its action against the
155 11 putative father and shall file a notice of the withdrawal with
155 12 the clerk of the district court, and shall provide a copy of
155 13 the notice to ~~the putative father each party~~ in person, or by
155 14 regular mail sent to ~~the putative father's each party's~~ last
155 15 known address, or if applicable, the last known address of the
155 16 ~~putative father's party's~~ attorney.

155 17 Sec. 176. Section 252F.4, Code 2007, is amended to read as
155 18 follows:

155 19 252F.4 ENTRY OF ORDER.

155 20 1. If ~~the putative father fails both parties fail~~ to
155 21 respond to the initial notice within twenty days after the
155 22 date of service of the notice or ~~fails fail~~ to appear at a
155 23 conference pursuant to section 252F.3 on the scheduled date of
155 24 the conference, and paternity has not been contested and ~~the~~
155 25 ~~putative father fails both parties fail~~ to timely request a
155 26 court hearing on the issue of support, the administrator shall
155 27 enter an order against the ~~putative father parties~~, declaring
155 28 the putative father to be the legal father of the child or
155 29 children involved and assessing any accrued and accruing child

155 30 support obligation pursuant to the guidelines established
155 31 under section 598.21B, and medical support pursuant to chapter
155 32 252E, ~~against the father.~~

155 33 2. If paternity is contested pursuant to section 252F.3,
155 34 subsection 6, and the party contesting paternity fails to
155 35 appear for a paternity test and fails to request a
156 1 rescheduling pursuant to section 252F.3, or fails to appear
156 2 for both the initial and the rescheduled paternity tests and
156 3 ~~the putative father fails both parties fail~~ to timely request
156 4 a court hearing on the issue of support, the administrator
156 5 shall enter an order against the ~~putative father parties~~
156 6 declaring the putative father to be the legal father of the
156 7 child or children involved and assessing any accrued and
156 8 accruing child support obligation pursuant to the guidelines
156 9 established under section 598.21B, and medical support
156 10 pursuant to chapter 252E, ~~against the father.~~

156 11 3. If ~~the putative father appears at~~ a conference pursuant
156 12 to section 252F.3 is held, and paternity is not contested, and
156 13 ~~the putative father fails both parties fail~~ to timely request
156 14 a court hearing on the issue of support, the administrator
156 15 shall enter an order against the ~~putative father parties~~ after
156 16 the second notice has been sent declaring the putative father
156 17 to be the legal father of the child or children involved and
156 18 assessing any accrued and accruing child support obligation
156 19 pursuant to the guidelines established under section 598.21B,
156 20 and medical support pursuant to chapter 252E, ~~against the~~
156 21 ~~father.~~

156 22 4. If paternity was contested and paternity testing was
156 23 performed and the putative father was not excluded, if the
156 24 test results indicate that the probability of the putative
156 25 father's paternity is ninety-five percent or greater, if the
156 26 test results are not timely challenged, and if ~~the putative~~
156 27 ~~father fails both parties fail~~ to timely request a court
156 28 hearing on the issue of support, the administrator shall enter
156 29 an order against the ~~putative father parties~~ declaring the
156 30 putative father to be the legal father of the child or
156 31 children involved and assessing any accrued and accruing child
156 32 support obligation pursuant to the guidelines established
156 33 under section 598.21B, and medical support pursuant to chapter
156 34 252E, ~~against the father.~~

156 35 5. The administrator shall establish a support obligation
157 1 under this section based upon the best information available
157 2 to the unit and pursuant to section 252B.7A.

157 3 6. The order shall contain all of the following:

- 157 4 a. A declaration of paternity.
- 157 5 b. The amount of monthly support to be paid, with
157 6 direction as to the manner of payment.
- 157 7 c. The amount of accrued support.
- 157 8 d. The name of the custodial parent or caretaker.
- 157 9 e. The name and birth date of the child or children to
157 10 whom the order applies.
- 157 11 f. A statement that property of ~~the father~~ a party ordered
157 12 to provide support is subject to income withholding, liens,
157 13 garnishment, tax offset, and other collection actions.
- 157 14 g. The medical support required pursuant to chapter 598
157 15 and chapter 252E.
- 157 16 h. A statement that ~~the father~~ a party who is ordered to
157 17 provide support is required to inform the child support
157 18 recovery unit, on a continuing basis, of the name and address
157 19 of the ~~father's~~ party's current employer, whether the ~~father~~
157 20 party has access to health insurance coverage ~~through~~
157 21 ~~employment or at reasonable cost through other sources as~~
157 22 required in the order, and if so, the health insurance policy
157 23 information.

157 24 i. If paternity was contested by the putative father, the
157 25 amount of any judgment assessed to the father for costs of
157 26 paternity tests conducted pursuant to this chapter.

157 27 j. Statements as required pursuant to section 598.22B.

157 28 7. If paternity is not contested but ~~the putative father a~~
157 29 party does wish to challenge the issues of child or medical
157 30 support, the administrator shall enter an order establishing
157 31 paternity and reserving the issues of child or medical support
157 32 for determination by the district court.

157 33 Sec. 177. Section 252F.5, subsection 2, Code 2007, is
157 34 amended to read as follows:

157 35 2. An action under this chapter may be certified to the
158 1 district court if a party timely contests paternity
158 2 establishment or paternity test results, or if ~~the putative~~
158 3 ~~father a party~~ requests a court hearing on the issues of child
158 4 or medical support, or both, or upon the initiation of the
158 5 unit as provided in this chapter. Review by the district

158 6 court shall be an original hearing before the court.
158 7 Sec. 178. Section 252F.5, subsection 3, paragraph c, Code
158 8 2007, is amended to read as follows:
158 9 c. A timely written objection to paternity establishment
158 10 or paternity test results has been received from a party, or a
158 11 timely written request for a court hearing on the issue of
158 12 support has been received from ~~the putative father~~ a party by
158 13 the unit, or the unit has requested a court hearing on the
158 14 unit's own initiative.
158 15 Sec. 179. Section 252H.2, subsection 2, paragraph b, Code
158 16 2007, is amended to read as follows:
158 17 b. An addition of or change to provisions for medical
158 18 support as ~~defined~~ provided in section 252E.1 chapter 252E.
158 19 Sec. 180. Section 252H.2, subsection 13, Code 2007, is
158 20 amended to read as follows:
158 21 13. "Support order" means ~~a "court order" as defined in~~
158 22 ~~section 252C.1 or an order establishing support entered~~
158 23 ~~pursuant to an administrative or quasi-judicial process if~~
158 24 ~~authorized by law an order for support issued pursuant to~~
158 25 ~~chapter 232, 234, 252A, 252C, 252E, 252F, 252H, 598, 600B, or~~
158 26 ~~any other applicable chapter, or under a comparable statute of~~
158 27 ~~a foreign jurisdiction as registered with the clerk of court~~
158 28 ~~or certified to the child support recovery unit.~~
158 29 Sec. 181. NEW SECTION. 252H.3A ADDING A PARTY.
158 30 A mother or father may be added as a proper party defendant
158 31 to a support order upon service of a notice as provided in
158 32 this chapter and without a court order as provided in the
158 33 rules of civil procedure.
158 34 Sec. 182. Section 252H.14, subsection 1, paragraph b, Code
158 35 2007, is amended to read as follows:
159 1 ~~b. The right to any ongoing medical support obligation is~~
159 2 ~~currently assigned to the state due to the receipt of public~~
159 3 ~~assistance unless:~~
159 4 ~~(1) b. The support order does not already includes~~
159 5 ~~include provisions requiring the parent ordered to pay child~~
159 6 ~~support to also provide for medical support.~~
159 7 ~~(2) The parent entitled to receive support has~~
159 8 ~~satisfactory health insurance coverage for the children,~~
159 9 ~~excluding coverage resulting from the receipt of public~~
159 10 ~~assistance benefits.~~
159 11 Sec. 183. Section 252H.14, subsection 2, Code 2007, is
159 12 amended to read as follows:
159 13 2. The unit may periodically initiate a request to a child
159 14 support agency of another state to conduct a review of a
159 15 support order entered in that state when the right to any
159 16 ongoing child or medical support obligation due under the
159 17 order is currently assigned to the state of Iowa or if the
159 18 order does not include provisions for medical support.
159 19 Sec. 184. Section 598.21B, subsection 3, Code 2007, is
159 20 amended to read as follows:
159 21 3. MEDICAL SUPPORT. The court shall order ~~as~~ child
159 22 medical support ~~a health benefit plan as defined in chapter~~
159 23 ~~252E if available to either parent at a reasonable cost. A~~
159 24 ~~health benefit plan is considered reasonable in cost if it is~~
159 25 ~~employment-related or other group health insurance, regardless~~
159 26 ~~of the service delivery mechanism as provided in section~~
159 27 ~~252E.1A. The premium cost of the a health benefit plan may be~~
159 28 ~~considered by the court as a reason for varying from the child~~
159 29 ~~support guidelines. If a health benefit plan is not available~~
159 30 ~~at a reasonable cost, the court may order any other provisions~~
159 31 ~~for medical support as defined in chapter 252E.~~
159 32 Sec. 185. Section 598.21C, subsection 2, paragraph a, Code
159 33 2007, is amended to read as follows:
159 34 a. Subject to 28 U.S.C. } 1738B, but notwithstanding
159 35 subsection 1, a substantial change of circumstances exists
160 1 when the court order for child support varies by ten percent
160 2 or more from the amount which would be due pursuant to the
160 3 most current child support guidelines established pursuant to
160 4 section 598.21B or ~~the obligor~~ a parent has access to a health
160 5 benefit plan, available as provided in section 252E.1A and the
160 6 current order for support does not contain provisions for
160 7 medical support, ~~and the dependents are not covered by a~~
160 8 ~~health benefit plan provided by the obligee, excluding~~
160 9 ~~coverage pursuant to chapter 249A or a comparable statute of a~~
160 10 ~~foreign jurisdiction.~~
160 11 Sec. 186. AMENDING AND NULLIFICATION OF ADMINISTRATIVE
160 12 RULES.
160 13 1. Until the department of human services amends rules
160 14 pursuant to chapter 17A necessary to conform with this Act,
160 15 all of the following shall apply:
160 16 a. The child support recovery unit may initiate

160 17 proceedings to establish or modify orders for medical support
160 18 for a child in accordance with section 252E.1A as created in
160 19 this Act, regardless of whether support is assigned to the
160 20 state.
160 21 b. The term "child support account" in existing rules
160 22 shall also mean a specified monetary amount for medical
160 23 support, unless the context otherwise requires.
160 24 c. A reference to a health benefit plan at reasonable cost
160 25 shall mean reasonable cost as defined in section 252E.1A, as
160 26 enacted in this Act.
160 27 d. A requirement for including a provision for an
160 28 employment-related or other group health benefit plan, or for
160 29 determining medical support, shall be limited and applied in
160 30 accordance with section 252E.1A, as created in this Act.
160 31 2. 441 Iowa administrative Code, rule 98.3, relating to
160 32 the establishment of medical support is nullified.
160 33 Sec. 187. EFFECTIVE DATE. This division of this Act takes
160 34 effect March 1, 2008.

160 35 DIVISION XIX

161 1 PHYSICIAN ASSISTANTS

161 2 Sec. 188. Section 147.14, subsection 12, Code 2007, is
161 3 amended to read as follows:

161 4 12. For the board of physician assistant examiners, ~~three~~
161 5 five members licensed to practice as physician assistants, at
161 6 least two of whom practice in counties with a population of
161 7 less than fifty thousand, one member licensed to practice
161 8 medicine and surgery who supervises a physician assistant, one
161 9 member licensed to practice osteopathic medicine and surgery
161 10 who supervises a physician assistant, and two members who are
161 11 not licensed to practice either medicine and surgery or
161 12 osteopathic medicine and surgery or licensed as a physician
161 13 assistant and who shall represent the general public. At
161 14 least one of the physician members shall be in practice in a
161 15 county with a population of less than fifty thousand. A
161 16 majority of members of the board constitutes a quorum.

161 17 Sec. 189. NEW SECTION. 148C.12 ANNUAL REPORT.

161 18 By January 31 of each year the board and the board of
161 19 medical examiners shall provide to the general assembly and
161 20 the governor a joint report detailing the boards'
161 21 collaborative efforts and team building practices.

161 22 DIVISION XX

161 23 TELECOMMUTING

161 24 Sec. 190. STATE EMPLOYEE TELECOMMUTING == POLICY
161 25 DEVELOPMENT == IMPLEMENTATION.

161 26 1. The director of a department or state agency to which
161 27 appropriations are made pursuant to the provisions of this Act
161 28 shall assess the extent to which job classifications or
161 29 individual employment positions with the department or agency
161 30 might be effectively performed from an employee's residence or
161 31 other remote location through telecommuting, thereby
161 32 increasing office space within the department or agency and
161 33 reducing administrative costs. The assessment shall include
161 34 an estimate of the number of department or agency employees
161 35 whose job responsibilities could be effectively performed on a
162 1 telecommuting basis, projected costs of establishing and
162 2 maintaining work stations at an employee's residence or other
162 3 remote location and providing telecommuter support,
162 4 anticipated savings to the department or agency through a
162 5 reduction in the office-based workforce, and anticipated time
162 6 and cost savings to telecommuting employees. A report
162 7 summarizing the assessment shall be submitted to the director
162 8 of the department of administrative services, and the members
162 9 of the general assembly, by November 1, 2007.

162 10 2. Based on the assessment conducted pursuant to
162 11 subsection 1, the director shall develop a telecommuter
162 12 employment policy for the department or agency and a timeline
162 13 for initial policy implementation and plans for expanding the
162 14 number of telecommuting employees. Specific office-based
162 15 workforce reduction percentages shall be left to the
162 16 discretion of the director, but the director shall implement a
162 17 policy transferring some number of office-based employees to
162 18 telecommuter status by January 1, 2008. The director shall
162 19 report to the director of the department of administrative
162 20 services and the members of the general assembly on an annual
162 21 basis beginning January 1, 2009, the number of telecommuting
162 22 employees, cost savings achieved by the department or agency,
162 23 and plans for continued transfer of office-based employees to
162 24 telecommuter status.

162 25 DIVISION XXI

162 26 DENTAL BOARD

162 27 Sec. 191. Section 10A.402, subsection 1, Code 2007, as

162 28 amended by 2007 Iowa Acts, Senate File 74, section 6, is
162 29 amended to read as follows:
162 30 1. Investigations relative to the practice of regulated
162 31 professions and occupations, except those within the
162 32 jurisdiction of the board of medicine, the board of pharmacy,
162 33 the ~~dental board of dentistry~~, and the board of nursing.
162 34 Sec. 192. Section 135.11A, unnumbered paragraph 1, Code
162 35 2007, as amended by 2007 Iowa Acts, Senate File 74, section
163 1 19, is amended to read as follows:
163 2 There shall be a professional licensure division within the
163 3 department of public health. Each board under chapter 147 or
163 4 under the administrative authority of the department, except
163 5 the board of nursing, board of medicine, ~~dental board of~~
163 6 ~~dentistry~~, and board of pharmacy, shall receive administrative
163 7 and clerical support from the division and may not employ its
163 8 own support staff for administrative and clerical duties.
163 9 Sec. 193. Section 135.24, subsection 2, paragraph a, Code
163 10 2007, as amended by 2007 Iowa Acts, Senate File 74, section
163 11 20, is amended to read as follows:
163 12 a. Procedures for registration of health care providers
163 13 deemed qualified by the board of medicine, the board of
163 14 physician assistants, the ~~dental board of dentistry~~, the board
163 15 of nursing, the board of chiropractic, the board of
163 16 psychology, the board of social work, the board of behavioral
163 17 science, the board of pharmacy, the board of optometry, the
163 18 board of podiatry, the board of physical and occupational
163 19 therapy, the board for respiratory care, and the Iowa
163 20 department of public health, as applicable.
163 21 Sec. 194. Section 135.31, Code 2007, as amended by 2007
163 22 Iowa Acts, Senate File 74, section 21, is amended to read as
163 23 follows:
163 24 135.31 LOCATION OF BOARDS == RULEMAKING.
163 25 The offices for the board of medicine, the board of
163 26 pharmacy, the board of nursing, and the ~~dental board of~~
163 27 ~~dentistry~~ shall be located within the department of public
163 28 health. The individual boards shall have policymaking and
163 29 rulemaking authority.
163 30 Sec. 195. Section 136C.3, subsection 2, unnumbered
163 31 paragraph 1, Code 2007, as amended by 2007 Iowa Acts, Senate
163 32 File 74, section 23, is amended to read as follows:
163 33 Establish minimum training standards including continuing
163 34 education requirements, and administer examinations and
163 35 disciplinary procedures for operators of radiation machines
164 1 and users of radioactive materials. A state of Iowa license
164 2 to practice medicine, osteopathy, chiropractic, podiatry,
164 3 dentistry, dental hygiene, or veterinary medicine, or
164 4 licensure as a physician assistant pursuant to chapter 148C,
164 5 or certification by the ~~dental board of dentistry~~ in dental
164 6 radiography, or by the board of podiatry in podiatric
164 7 radiography, or enrollment in a program or course of study
164 8 approved by the Iowa department of public health which
164 9 includes the application of radiation to humans satisfies the
164 10 minimum training standards for operation of radiation machines
164 11 only.
164 12 Sec. 196. Section 139A.22, subsection 6, Code 2007, as
164 13 amended by 2007 Iowa Acts, Senate File 74, section 25, is
164 14 amended to read as follows:
164 15 6. The board of medicine, the board of physician
164 16 assistants, the board of podiatry, the board of nursing, the
164 17 ~~dental board of dentistry~~, and the board of optometry shall
164 18 require that licensees comply with the recommendations issued
164 19 by the centers for disease control and prevention of the
164 20 United States department of health and human services for
164 21 preventing transmission of human immunodeficiency virus and
164 22 hepatitis B virus to patients during exposure=prone invasive
164 23 procedures, with the recommendations of the expert review
164 24 panel established pursuant to subsection 3, with hospital
164 25 protocols established pursuant to subsection 1, and with
164 26 health care facility procedures established pursuant to
164 27 subsection 2, as applicable.
164 28 Sec. 197. Section 147.13, subsection 8, Code 2007, as
164 29 amended by 2007 Iowa Acts, Senate File 74, section 32, is
164 30 amended to read as follows:
164 31 8. For dentistry, dental hygiene, and dental assisting,
164 32 the ~~dental board of dentistry~~.
164 33 Sec. 198. Section 147.40, Code 2007, as amended by 2007
164 34 Iowa Acts, Senate File 74, section 50, is amended to read as
164 35 follows:
165 1 147.40 CERTIFICATION OF APPLICANTS.
165 2 Every examination shall be passed upon in accordance with
165 3 the established rules of the board and shall be satisfactory

165 4 to at least a majority of the professional members of the
165 5 board. In the case of the dental board ~~of dentistry~~, only
165 6 licensed dentist members of the board shall determine whether
165 7 an applicant has passed the examination to practice as a
165 8 licensed dentist. After each examination, the board shall
165 9 certify the names of the successful applicants to the
165 10 department in the manner prescribed by it. The department
165 11 shall then issue the proper license.

165 12 Sec. 199. Section 147.80, subsections 1 and 11, Code 2007,
165 13 as amended by 2007 Iowa Acts, Senate File 74, section 63, are
165 14 amended to read as follows:

165 15 1. License to practice dentistry issued upon the basis of
165 16 an examination given by the dental board ~~of dentistry~~, license
165 17 to practice dentistry issued under a reciprocal agreement,
165 18 resident dentist's license, renewal of a license to practice
165 19 dentistry.

165 20 11. License to practice dental hygiene issued upon the
165 21 basis of an examination given by the dental board ~~of~~
165 22 ~~dentistry~~, license to practice dental hygiene issued under a
165 23 reciprocal agreement, renewal of a license to practice dental
165 24 hygiene.

165 25 Sec. 200. Section 147.80, unnumbered paragraph 3, Code
165 26 2007, as amended by 2007 Iowa Acts, Senate File 74, section
165 27 63, is amended to read as follows:

165 28 The board of medicine, the board of pharmacy, the dental
165 29 board ~~of dentistry~~, and the board of nursing shall retain
165 30 individual executive officers, but shall make every effort to
165 31 share administrative, clerical, and investigative staffs to
165 32 the greatest extent possible. The department shall annually
165 33 submit a status report to the general assembly in December
165 34 regarding the sharing of staff during the previous fiscal
165 35 year.

166 1 Sec. 201. Section 147.88, Code 2007, as amended by 2007
166 2 Iowa Acts, Senate File 74, section 65, is amended to read as
166 3 follows:

166 4 147.88 INSPECTIONS.

166 5 The department of inspections and appeals may perform
166 6 inspections as required by this subtitle, except for the board
166 7 of medicine, board of pharmacy, board of nursing, and the
166 8 dental board ~~of dentistry~~. The department of inspections and
166 9 appeals shall employ personnel related to the inspection
166 10 functions.

166 11 Sec. 202. Section 147.107, subsection 2, unnumbered
166 12 paragraph 1, Code 2007, as amended by 2007 Iowa Acts, Senate
166 13 File 74, section 78, is amended to read as follows:

166 14 A pharmacist, physician, dentist, or podiatric physician
166 15 who dispenses prescription drugs, including but not limited to
166 16 controlled substances, for human use, may delegate
166 17 nonjudgmental dispensing functions to staff assistants only
166 18 when verification of the accuracy and completeness of the
166 19 prescription is determined by the pharmacist or practitioner
166 20 in the pharmacist's or practitioner's physical presence.
166 21 However, the physical presence requirement does not apply when
166 22 a pharmacist or practitioner is utilizing an automated
166 23 dispensing system. When using an automated dispensing system
166 24 the pharmacist or practitioner shall utilize an internal
166 25 quality control assurance plan that ensures accuracy for
166 26 dispensing. Verification of automated dispensing accuracy and
166 27 completeness remains the responsibility of the pharmacist or
166 28 practitioner and shall be determined in accordance with rules
166 29 adopted by the board of pharmacy, the board of medicine, the
166 30 dental board ~~of dentistry~~, and the board of podiatry for their
166 31 respective licensees.

166 32 Sec. 203. Section 147.114, Code 2007, as amended by 2007
166 33 Iowa Acts, Senate File 74, section 81, is amended to read as
166 34 follows:

166 35 147.114 INSPECTOR.

167 1 An inspector may be appointed by the dental board ~~of~~
167 2 ~~dentistry~~ pursuant to the provisions of chapter 8A, subchapter
167 3 IV.

167 4 Sec. 204. Section 153.12, as enacted by 2007 Iowa Acts,
167 5 Senate File 74, section 132, is amended to read as follows:

167 6 153.12 BOARD DEFINED.

167 7 As used in this chapter, "board" means the dental board ~~of~~
167 8 ~~dentistry~~, created under chapter 147.

167 9 Sec. 205. Section 272C.1, subsection 6, paragraph j, Code
167 10 2007, as amended by 2007 Iowa Acts, Senate File 74, section
167 11 171, is amended to read as follows:

167 12 j. The dental board ~~of dentistry~~, created pursuant to
167 13 chapter 147.

167 15 GRANDPARENT AND GREAT=GRANDPARENT VISITATION
 167 16 Sec. 206. NEW SECTION. 600C.1 GRANDPARENT AND
 167 17 GREAT=GRANDPARENT VISITATION.
 167 18 1. The grandparent or great=grandparent of a minor child
 167 19 may petition the court for grandchild or great=grandchild
 167 20 visitation.
 167 21 2. The court shall consider a fit parent's objections to
 167 22 granting visitation under this section. A rebuttable
 167 23 presumption arises that a fit parent's decision to deny
 167 24 visitation to a grandparent or great=grandparent is in the
 167 25 best interest of a minor child.
 167 26 3. The court may grant visitation to the grandparent or
 167 27 great=grandparent if the court finds all of the following by
 167 28 clear and convincing evidence:
 167 29 a. The grandparent or great=grandparent has established a
 167 30 substantial relationship with the child prior to the filing of
 167 31 the petition.
 167 32 b. The parent who is being asked to temporarily relinquish
 167 33 care, custody, and control of the child to provide visitation
 167 34 is unfit to make the decision regarding visitation.
 167 35 c. It is in the best interest of the child to grant such
 168 1 visitation.
 168 2 4. For the purposes of this section, "court" means the
 168 3 district court or the juvenile court if that court currently
 168 4 has jurisdiction over the child in a pending action. If an
 168 5 action is not pending, the district court has jurisdiction.
 168 6 5. Notwithstanding any provision of this chapter to the
 168 7 contrary, venue for any action to establish, enforce, or
 168 8 modify visitation under this section shall be in the county
 168 9 where either parent resides if no final custody order
 168 10 determination relating to the grandchild or great=grandchild
 168 11 has been entered by any other court. If a final custody order
 168 12 has been entered by any other court, venue shall be located
 168 13 exclusively in the county where the most recent final custody
 168 14 order was entered. If any other custodial proceeding is
 168 15 pending when an action to establish, enforce, or modify
 168 16 visitation under this section is filed, venue shall be located
 168 17 exclusively in the county where the pending custodial
 168 18 proceeding was filed.
 168 19 6. Notice of any proceeding to establish, enforce, or
 168 20 modify visitation under this section shall be personally
 168 21 served upon all parents of a child whose interests are
 168 22 affected by a proceeding brought pursuant to this section and
 168 23 all grandparents or great=grandparents who have previously
 168 24 obtained a final order or commenced a proceeding under this
 168 25 section.
 168 26 7. The court shall not enter any temporary order to
 168 27 establish, enforce, or modify visitation under this section.
 168 28 8. An action brought under this section is subject to
 168 29 chapter 598B, and in an action brought to establish, enforce,
 168 30 or modify visitation under this section, each party shall
 168 31 submit in its first pleading or in an attached affidavit all
 168 32 information required by section 598B.209.
 168 33 9. In any action brought to establish, enforce, or modify
 168 34 visitation under this section, the court may award attorney
 168 35 fees to the prevailing party in an amount deemed reasonable by
 169 1 the court.
 169 2 10. If a proceeding to establish or enforce visitation
 169 3 under this section is commenced when a dissolution of marriage
 169 4 proceeding is pending concerning the parents of the affected
 169 5 minor child, the record and evidence of the dissolution action
 169 6 shall remain impounded pursuant to section 598.26. The
 169 7 impounded information shall not be released or otherwise made
 169 8 available to any person who is not the petitioner or
 169 9 respondent or an attorney of record in the dissolution of
 169 10 marriage proceeding. Access to the impounded information by
 169 11 the attorney of record for the grandparent or
 169 12 great=grandparent shall be limited to only that information
 169 13 relevant to the grandparent's or great=grandparent's request
 169 14 for visitation.
 169 15 Sec. 207. Section 600.11, subsection 2, paragraph e, Code
 169 16 2007, is amended to read as follows:
 169 17 e. A person who has been granted visitation rights with
 169 18 the child to be adopted pursuant to section ~~598.35~~ 600C.1.
 169 19 Sec. 208. Section 598.35, Code 2007, is repealed.
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169 23 PATRICK J. MURPHY
 169 24 Speaker of the House
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JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and
is known as House File 909, Eighty-second General Assembly.

MARK BRANDSGARD
Chief Clerk of the House

Approved _____, 2007

CHESTER J. CULVER
Governor